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WHITE EARTH RESERVATION

No. 1

HEARINGS

BEFORE THE

U.S. Congress, House

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JULY 25, 1911

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

HD 234
C45A3
1911

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Building. Telephone 591. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman*.

SCOTT FERRIS, Oklahoma.
HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARRON, *Clerk*.

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WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Tuesday, July 25, 1911.

The committee met at 10.30 o'clock a. m., Hon. James M. Graham (chairman) presiding. There were present also the following members of the committee: Messrs. George, Hensley, and Burke.

There were also present Hon. Robert G. Valentine, Commissioner of Indian Affairs; E. B. Merritt, law clerk, Indian Office; Thomas Sloan, attorney at law; and Mrs. Helen Pierce Gray.

The CHAIRMAN. Gentlemen, I suppose you know we are here this morning to listen to Judge Burch.

Mr. BURKE. Mr. Chairman, in advance of what you are going to consider this morning, I would like to inquire what has become of the Controller Bay inquiry, or the Alaskan matter?

The CHAIRMAN. What do you mean by that, Mr. Burke?

Mr. BURKE. I understood that the committee were engaged in the investigation of certain charges that have been made with reference to Controller Bay, in Alaska, and that it was the intention—at least I got this from the record—to pursue the inquiry, and do it diligently; and on Thursday last, the 20th instant, the hearing was for the purpose of conducting that inquiry, and a recess was taken until Friday morning at 10.30. Later the members of the committee were advised that there would be no meeting, and this has been the first meeting since. I am simply inquiring as to what has become of that matter?

The CHAIRMAN. Nothing has become of it; it is just where we left it, and, of course, will stay there until taken up again. The reason for the gap in the proceeding is the delay in the report of the President or the Secretary of the Interior, or both, in answer to the Senate resolution. That document was to be filed on Friday last, I heard, but it was not and I understand will not be until to-morrow. That document will contain a great deal of information about papers and documents which we hope to use; and in order not to annoy or inconvenience the department, I thought it better to wait until they got that off their hands before asking them for such documents as we need. As soon as that document is out, it will probably take a little time to study it, see what it contains that we think we would need, and also what it does not contain that we think we would need; and as soon as that is done it is the intention of the chair, so far as he is concerned, to get that documentary evidence into the record—all of it.

Mr. BURKE. In reading the record—and I know the chair will take into consideration that I have been a member of this committee but

a short time, and therefore have to ask for information that I might otherwise be possessed of——

The CHAIRMAN. Certainly.

Mr. BURKE. On the 12th I notice the Secretary of the Interior appeared before the committee and urged that this matter have a very thorough and prompt investigation, and called attention to what I believe to be the case, and I guess there is no dispute about it, that, so far as any claims have been filed upon or any effort to file upon any claims, they have not matured; and that it is very important if anything has transpired there which is reprehensible or iniquitous, as the newspapers would seem to indicate, it should have investigation immediately, in order that if the public interests have been jeopardized in any manner, we may prevent the consummation of any attempted acquiring of land contrary to law.

I also notice in this statement of the Secretary that he calls attention to some witnesses who are important, some who have left the department, and others about to leave, and that he believes, so far as the one feature of the matter is concerned, it ought to be inquired into at once in order that witnesses may be obtainable who know the facts. I refer to Ashmun Brown, who was formerly secretary to Secretary Ballinger, and Mr. Don M. Carr, who was assistant to the Secretary, who, I understand, is about to go to California. A newspaper article has stated that a certain Miss M. F. Abbot found in the records a certain letter, known as the Dick-to-Dick letter. It is denied that any such letter was there.

It seems to me, in justice to Miss Abbot, we ought to make an inquiry in regard to that letter, and in view of the fact that all of these witnesses whom I have named, including Mr. Ryan, whom I believe was subpœnaed, are here, I can not understand why we should delay this matter; and as one member of the committee I want to say that I want to turn on the searchlight and go to the very bottom of every suggestion that has been made with reference to the Controller Bay affair, and I believe there has been enough said about it in the press of the country so that the country is demanding an immediate investigation; and I would not make this inquiry as I do if I had not read in the papers that it was the intention not to take this matter up perhaps until October. I was advised by one member of the committee that he has been so informed through his secretary, who is alleged to have conferred with the chairman, that it was not to be taken up until October, and I want to say that I hope that that is not the case and I hope that we may go ahead with this Controller Bay inquiry at the very earliest date and make it a special continuing order until completed, except as it may be postponed by action of the committee.

The CHAIRMAN. Mr. Burke, let me inquire, in connection with the Secretary's statement before the committee on the day of the second hearing, did you also read the reply of the chairman to the Secretary on that occasion?

Mr. BURKE. Yes, sir; I certainly did.

The CHAIRMAN. The chairman indorses now all that he said then, and has very little to add to it. As to the point you make that this investigation ought to be pushed so that the Interior Department might know if there is anything fraudulent in the Controller Bay claims, I think that a most astonishing statement. In my short ex-

perience with the department I have never known the department to rely on a committee of the House for information concerning the character of claims. The General Land Office is thoroughly, perfectly equipped with special agents whose duty it is to investigate the validity of claims, who have every facility, who can go on the ground, who have practically unlimited money to expend in that work, and who can, if they desire, or if the department desires them to, find out every detail about it; and there is no machinery in the law or in the Government, in the practical application of the law, which requires a committee of Congress to make investigation as to the validity of claims in order to enable the department to know whether those claims are valid or invalid. I therefore must dissent very strongly from the suggestion which you make, whether it comes from you or from the Interior Department, that this committee resolve itself into a special agency for the purpose of investigating the validity of claims pending in the Land Office. I think you will agree with me in that view. Whether you do or not, I think the view is sound.

As to the witnesses whom the Secretary suggested should be subpœnaed, they have been subpœnaed. All of them he named have been subpœnaed and are now under control of the committee, and at the proper time will be called. They are released temporarily, but not discharged, a difference which, of course, you clearly recognize. I am sure that the chairman quite agrees with you, and is glad to hear you say what he would expect you to say, that the searchlight should be turned on this matter to the fullest possible extent. But, from your experience in Congress and your experience as a lawyer, you must know that to turn the searchlight on a matter of this involved character so as to see into all the recesses will take time, and the chairman, so far as he can do it, proposes to give it the necessary time and to get into every crevice with the searchlight; and he is glad, indeed, to know what he would have expected in any event, that you will aid in that work. But it will have to be done in an orderly manner. As the chairman said to the Secretary of the Interior on a former occasion, there is, in his judgment, a best way to go at it. The Chair's opinion is that the best way to proceed now is to get into this record every bit of documentary evidence which there is available and obtainable, and if the Chair can have his way about it, all that will be done, if possible, before the adjournment of Congress.

The chairman thinks that, then, the majority of the committee desires to go home and stay there at least awhile during the hot weather, and when the weather and the circumstances are more favorable, that the committee return at some opportune time—October would be a good time—and have all the witnesses here ready to push the hearing of the oral testimony to a conclusion as rapidly as possible, and in such order as at the time will appear to the committee most logical and most effective.

Mr. BURKE. I think the Chair misunderstood my suggestion that this inquiry ought to be continued only for the purpose of aiding the department.

The CHAIRMAN. Yes; if you did not say that, the Chair misunderstood you.

Mr. BURKE. This inquiry, or rather the suggestions that have prompted this investigation, suggest that the department is not

properly conserving the public interests, and that they have, by some irregular and unusual proceeding, permitted lands to be acquired that ought not to have been acquired; and Congress, that has absolute control over the public domain, when its attention is called to anything of this kind, should promptly investigate it for the express purpose of preventing the consummation of what it is said is improper. I had no thought of conducting this inquiry for the purpose of aiding the department or the General Land Office. I do not care anything about them. I think that Congress itself, and certainly the country, want to know something about this affair.

The CHAIRMAN. Just at that point, the chair will again state that he does not understand that your present statement of your position accords with your first statement of it, and the record will show the fact that you did suggest that this committee assist the department in determining whether a fraud was about to be committed. Now, which of us is right as to that matter is, of course, immaterial; the record will show that.

Mr. BURKE. That might be one reason.

The CHAIRMAN. But on the other point you make you are mistaken, as the chair sees it. Congress is not supreme in the matter of which you speak. If a location was made on Controller Bay by some one having soldiers' additional homestead scrip, Congress could not interfere with that. Congress can not, by any power that I know of, deprive a man of his property lawfully obtained; and no investigation which Congress could now make along that line would have the effect of depriving a man who had lawful claims on Controller Bay of those claims. So that that could not be a reason, if I am right about it, why we should go into an inquiry of that character, which could lead nowhere.

Mr. BURKE. The investigation would probably disclose that.

The CHAIRMAN. Yes; and I hope an investigation will.

Mr. BURKE. Has it occurred to the chair and the other members of the committee that, in view of the fact that it is asserted that certain interests, known as the Alaska Syndicate, are perhaps back of this matter, the failure on the part of the committee to act promptly might be thought to be prompted by some action on the part of that syndicate and therefore embarass the committee?

The CHAIRMAN. No; the committee has not any such thought as that. I do not think it at all likely that anyone would be of the opinion that the majority of the committee is here to aid the Alaska Syndicate. If anyone is of such opinion, I hope that before the investigation is over such person will have ample cause to change his mind.

Mr. BURKE. The chair thinks, then, it is very possible that that impression might prevail as to the minority?

The CHAIRMAN. No; the chair thinks that extremely improbable, if not impossible.

Mr. BURKE. Just another word. As I understand the chair, in his own opinion, as a member of the committee, he thinks that after reaching a certain point in this investigation it might be well to postpone the continuance of it until some time later in the season; that to be a matter to be brought to the attention of the committee for its action, I assume.

The CHAIRMAN. The committee is entirely in control.

Mr. BURKE. I supposed that was the case, and I would not have made this inquiry had I not read in the papers that the committee

had decided to put this over until October, and I was not aware that the committee had so acted; and if they have so acted, I would like to be advised.

The CHAIRMAN. The chairman neither owns nor controls any paper.

Mr. BURKE. I understand that.

The CHAIRMAN. And is not informed as to what has appeared in the papers, and the chairman has never assumed to be the committee. Whenever he made a statement the chairman was always very careful to say that that was merely the opinion of the chair.

Mr. BURKE. I have no doubt that is the case. I would like to make one further inquiry for information.

The CHAIRMAN. Very well.

Mr. BURKE. I notice that in a number of its hearings counsel appear for the committee. In the Controller Bay matter one Mr. Fennell, I believe, is the name. Will the chair state, for my benefit, what the relation of Mr. Fennell is to the committee?

The CHAIRMAN. In that Controller Bay matter Mr. Fennell's relation to the committee I could not state; I do not know that he had any. In matters pertaining to the General Land Office Mr. Fennell represented the committee.

Mr. BURKE. Do I understand that is by employment by the committee, or voluntarily?

The CHAIRMAN. I hardly know whether to call it employment or not. Mr. Fennell will get some remuneration.

Mr. BURKE. I notice that in the hearings it says "There were present," naming the members of the committee, "and Mr. W. P. Fennell, attorney at law, Washington, D. C., on behalf of the committee." I simply wanted to know his relation to the committee, so that I might consult him the same as any other member if he is employed by the committee; and I think in these investigations, where a subject is of enough importance, counsel can be of assistance to the committee. But I wanted to ask of the chair if the committee has authority to employ counsel.

The CHAIRMAN. From whom do you mean when you say authority?

Mr. BURKE. I assume that it could not have authority from any other body except the House itself. I know no precedent where a committee has had authority to employ counsel——

The CHAIRMAN. The Chair does not quite agree with you in that regard.

Mr. BURKE. Perhaps the Chair can inform me; that is what I want to know.

The CHAIRMAN. I suppose that the contingent fund of the House might be used in that way without specific permission from the House. What does Mr. Burke think about that?

Mr. BURKE. I would think that the precedents would require action by the House to authorize the employment of counsel, except, possibly in investigations where the resolution is broad enough to authorize the employment of counsel, as may be the case in the sugar and steel inquiries, where they are authorized to expend $25,000.

The CHAIRMAN. Then I am right, am I, in understanding you to say that, in your opinion, the contingent fund of the House, or any part of it, may not be used for that purpose?

Mr. BURKE. I should say it was very doubtful.

I suppose it is well understood that these Indian nations, as a rule, are divided into tribes, and the tribes again into bands, a sort of a rough feudal system, or something like it, that have some features of administrative warlike strength. These particular Indians were of the Lake Superior and Mississippi tribe or band. They were divided off at the Chocolay River, just below the city of Marquette, Mich., on the south shore of Lake Superior, from the Indians farther east, away back, 50, 60, or perhaps 70 years ago. They were composed then of the Lake Superior and the Mississippi Bands, the Lake Superior Band having their headquarters mainly about the head of Lake Superior, or in the vicinity of the present city of Duluth; while the White Earth Band were in and about the country of eastern and central Minnesota, drawing a line from north to south, against the Sioux; that is, directly on the line of the Sioux, with whom they had a very severe, sanguinary warfare until peace was finally restored between them. There these Indians—these particular ones—who formed the foundation of the poem "Hiawatha," by Longfellow, lived. They stood the brunt of the warfare with the Sioux, and finally subdued them, and obtained the territory which we now practically know as the vicinity of St. Paul and Minneapolis. In accordance with the regular method that our Government pursued toward the Indians, their holdings have been gradually narrowed. Compensation, in one form or another, has more or less been made to them, by treaties and acts of Congress. Tribal funds have been built up, and lands have all the while been kept, to some extent, by them. Here is a map. The yellow portion of it shows the White Earth Reservation. I have brought it for the use of the committee.

A subdivision later occurred between the Superior Band—that is, the Lake Superior Indians about Duluth, sometimes called the Fond du lac Band, I think—and this Mississippi Band, the White Earth Indians later on; and finally, 44 years ago now, this reservation at present under inquiry, and which will be the principal subject of your consideration, together with the affairs of these Indians connected with it, was segregated; that is, was laid out and established for their benefit. It consisted of 36 townships of land. I have traveled over it only in part, but from what I have seen, though I have had a wide experience in the West, and I think I may say I know the West like an open book, I have never seen a more beautiful stretch of territory than that embraced in the present White Earth Reservation. It contained lakes and streams, prairies and forests, timber enough of white pine originally there to build all the elegant buildings that might have been needed for centuries to come, of the most valuable character—timber which now converted into lumber would be worth in the open market, ranging by various grades, from $35 to $110 per thousand feet, board measure. It is hard wood, ample for fuel and all kinds of purposes. There were marshes and lakes wherein they could fish, and whereon they could hunt and gather wild rice for their sustenance; and the richest of prairie lands imaginable, high, rolling, healthy—everything that could be desired for the last stand of a great race.

That was the condition 44 years ago. By subsequent legislation of Congress, four townships of this land, principally valuable for white-pine timber, or for pine timber, were conveyed to the Government and sold, the money going in part into a tribal fund for their benefit.

Mr. BURKE. Can you give us the date of that act?

Mr. BURCH. It was the Nelson Act, I think, of 1889.

Mr. SLOAN. January 14, 1889.

Mr. BURCH. January 14, 1889, commonly called the Nelson Act.

(Reference is here made to "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and published in 25 Statutes at Large, p. 642. The Morris Act amending it will be found at 32 Statutes at Large, p. 400.)

Mr. BURCH. By the sale of that timber by the Government in part a comparatively small tribal fund existing thereto was added to, and it is supposed now—about that I have very little knowledge—that something like a tribal fund of $3,000,000 belonged to this band; that is, their proportion of the general tribal fund has been created. Upon this reservation several fine schools were built, and agency buildings, very creditable and commendable ones, by whomsoever they may have been built, and the land was opened out, as I say, as a home for these people. There are 6,000 Indians, practically—that is, in these days. I am not deep enough in their affairs to remember what the number was 44 years ago. But I assume that there are those present here who can give more definite information.

The first step in the disintegration of this home, this last stand, was taken then. I am not prepared to question its wisdom. They did not need, probably, all the pine they had. Whether it should have been sold then or kept until a later period is one of those questions which would bother an experienced lumberman, and I am not here to question the wisdom of the passage of the Nelson Act or the provisions it made for the building up of this tribal fund by the sale of those four townships of land, and I fancy perhaps that the committee will not care to bother with that. I am simply leading up to the real facts of the case by a recitation here, offhand, that may put you better in possession of the situation.

Subsequently an act was passed, or about that time, called the general allotment act. Mr. Burke will doubtless, with his experience, know when that was passed.

Mr. BURKE. In 1887.

Mr. BURCH. I think it was 1887, and it was changed somewhat respecting this matter by what was called the Morris Act—no doubt, from what I know of the general politics of that country, in honor of Judge Page Morris, the present United States Federal judge, or one of them, of Minnesota. Two years later, I think, the Morris Act was passed for the purpose of enabling the Government to sell these lands which the Indians had ceded to them; I understand that is its effect.

Leaving those four townships aside, I pass to the next act, which was, in effect, the allotment of lands in severalty under this general allotment act. If necessary, and your committee desires to go into that question, I expect to show to this committee that the longing eye of people interested in the lumber business in that vicinity was already turned to the remaining timber—and there was still a fine body of it—in the 32 remaining townships, and that contracts in anticipation of coming legislation were made. I think one is in reach or control of this committee before it closes its deliberations, showing that the great lumber companies, who never seem to have

got enough pine or to have acquired enough money, were anxious to get into the White Earth Reservation.

Under that general allotment act it is related that at that particular time—I challenge the committee's attention to it, because it may become important to you later in your considerations—at that early time, when the Indians were assembled for allotment, there were two lines formed, one of mixed blood, the other of full blood. When the allotments came to be made, it is a singular circumstance that the most valuable of the pine was allotted to the mixed blood. There was no special reason for that existing in morals. There was no good reason existing for it anywhere else, so far as the Indians themselves were concerned. But I understand that it is a fact. The sheep were separated from the goats, so to speak. There were two lines formed. The importance of that now becomes apparent. After these original allotments of 80 acres each in severalty were made to these Indians a bill was introduced, called the Steenerson Act, which allotted them 80 acres more. Why? No question about it. All right. It gave them the 160 acres each undoubtedly intended by the original allotment act, but they had only been assigned 80 acres before that time. That gave them 160 acres each—man, woman, and child.

[PUBLIC—No. 218.]

AN ACT To provide allotments to Indians on White Earth Reservation in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty or laws of the United States, in accordance with the express promise made to them by the commissioners appointed under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and to those Indians who may remove to said reservation who are entitled to take an allotment under article seven of the treaty of April eighteenth, eighteen hundred and sixty-seven, between the United States and the Chippewa Indians of the Mississippi, one hundred and sixty acres of land; and said allotments shall be, and the patents issued therefor, in the manner and having the same effect as provided in the general allotment act, "An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations and extend the protection of the commissioners of the United States over the Indians, and for other purposes,'" approved February twenty-eighth, eighteen hundred and ninety-one: *Provided*, That where any allotment of less than one hundred and sixty acres has heretofore been made, the allottee shall be allowed to take an additional allotment, which, together with the land already allotted, shall not exceed one hundred and sixty acres: *And provided further*, That is there is not sufficient land in said White Earth (diminished) Reservation subject to allotment each Indian entitled to allotments under the provisions of this act shall receive a pro rata allotment.

Approved, April 28, 1904.

Then came some legislation in 1906, in the form of a rider upon an Indian appropriation bill, commonly called the Clapp amendment. It is not an amendment; it is not an independent act; it is a portion of an appropriation bill, the last paragraph in that bill. That act provided, in substance and effect, that the turst patent which had been given to these Indians—or, rather, the allotments which had been given to the Indians, and they were evidenced by what we will call trust patents, and I will discuss the subject of trust patents a moment later——

Mr. BURKE. What was the trust period?

Mr. BURCH. Twenty-five years—that the Indians of the mixed blood, in substance and effect, be emancipated from restraint for the alienation; that their allotments be treated for taxation and other purposes the same, and that they be granted their allotments in fee simple, or that they should have, as a matter of right, a fee simple patent. I assume that some of the members of this committee may not understand a trust patent. A trust patent is, as the Supreme Court has stated it, really no patent at all. It is a mere permit or lease for a period of time or to a given allottee, for that portion of land which is set aside to him for his beneficial use or privilege. By holding it for a period of 25 years, providing the President of the United States does not extend the period of restraint, he may have a fee-simple patent. It amounts, therefore, to a lease in severalty for land the beneficial use of which is guaranteed by the Government to him for a period of 25 years. They had had these trust patents. Under this act the adults of the mixed blood were entitled to fee-simple patents to be issued by the Secretary of the Interior in the ordinary way. In other words, they were made practically and absolutely owners in fee simple of their allotments.

Mr. SLOAN. May I suggest that where you have made reference to these bills, as you are now making reference to them, they may be inserted in the record at such times as you may refer to them, following the reference.

Mr. BURCH. I would request that they may be inserted just in the statement, or otherwise.

The CHAIRMAN. Perhaps it would be better to have them appended to the statement.

Mr. BURCH. It is a good thing to have them running right along if you can.

The CHAIRMAN. Which way would you prefer?

Mr. BURCH. I would prefer to have them interspersed.

Mr. BURKE. In correcting his notes, I presume he could have them put in.

The CHAIRMAN. Yes.

Mr. BURKE. Your theory is that the issuance of the patents was a mere ministerial act; that the act itself granted the fee in these lands to the Indians of half blood or less; is that your theory?

Mr. BURCH. My idea of the law is plain and simple and distinct. It was an act in presenti; it carried the title with it without any further action whatsoever. The issuance of a fee simple patent afterwards was merely to be the record evidence of their ownership of the lands. Does that answer the question?

Mr. BURKE. Yes, sir.

Mr. BURCH. When the lumber companies and others in search of pine timber began to show themselves very much in evidence in that situation, it will be seen that there might have been some method in assigning more of the timber lands to the adults of the mixed blood than to the full bloods who remained interdicted or restrained, or the miners of the mixed bloods who remained unemancipated.

Mr. HENSLEY. Right there, it seems to me, I would like to know the manner of the allotment you speak of, and why the mixed bloods received the better timber land than the others, and so on; and how did it come that the land was so allotted?

Mr. BURCH. You raise the same interrogation point I do. Why? I do not know why. It is stated as a fact.

Mr. HENSLEY. The method of allotment, then.

Mr. BURCH. The method of allotment is, as I understand—I was never present at one of those; I presume there are others who can state better how that is done—as I understand it, they file their claims, or their claims were listed by allotment, and the commissioner or commissioners, some persons designated by statute or otherwise, acted as the allotment commissioners.

Mr. BURKE. I think it would be well to clear this up now.

Mr. BURCH. I wish you would.

Mr. BURKE. Does not the law, as a matter of fact, provide that the Indian selects his allotment?

Mr. BURCH. Yes.

Mr. BURKE. And that the allotting agent has nothing whatever to do with the selection of the land; the Indian goes and selects it? And this is also true: It almost invariably happens, where Indian reservations are allotted, that the mixed-blood Indians, who probably are a little more intelligent than the old fellows, do get the best land, invariably, because they select the best land; and the allotting agent does not have any power whatever to select a particular tract of land for an Indian and say, "You take this allotment." In a few instances Congress has directed an arbitrary allotment among what are known as the Snakes, in the Five Civilized Tribes, where the Indian absolutely refused to take an allotment. But if the Indian elects to select his allotment, then it is the duty of the allotting agent to allot him that particular land.

The CHAIRMAN. On that point, how is it determined who shall have the first choice, and who the second? If the Indian has the right to select his allotment, would there not be conflicts, and how are those conflicts decided, and how is it determined who shall have first second, and third choices, and so on?

Mr. BURCH. Gentlemen of the committee, I am sorry that in this instance you catch me without that accurate knowledge which should go into this record, I will obtain it for you, if you wish.

Mr. BURKE. I would say to the chairman that it is determined by certain conditions. Frequently an allottee is residing upon the land that he desires to take, and it is always recognized to give him the preference to take the land that he may be living upon. And, then, the Indians want to get in a country where they have always resided, and there is not very much difficulty in allotting the land by reason of conflicts. I think the Indians grenerally agree among themselves as to what land they shall take.

The CHAIRMAN. But where they did not agree there would have to be some one with jurisdiction to decide those matters, and in the last resort it might happen that some one, or some set of persons, would have the right to interfere in the selections, and in that way that favors might be shown.

Mr. BURKE. I will say for the information of the committee that that has occurred. I know of an instance where an Indian took an allotment, and a certain mixed blood took the same allotment. The matter was taken up on a hearing before the Indian agent; it was carried to the Indian Office and to the Secretary of the Interior, and the final decision awarded the land to the full-blood Indian.

The mixed-blood Indian went into the United States District Court and instituted there a proceeding, basing her claim upon prior occupancy, and obtained a judgment awarding her the land as against the full-blood Indian. It very rarely happens that there are controversies that are litigated. But I happened to know of that one.

The CHAIRMAN. I beg your pardon, Judge, for that interruption. Really, those things will come out better in the evidence than in the argument.

Mr. BURCH. I will say to you, however, in answer to that question, that in case of conflict, the matter is decided by the Indian Commissioner, from whose decision there may be an appeal to the Secretary of the Interior for the final adjudication of the matter. But if it please the gentlemen of the committee, I desire to call attention to these statements that have come to me, and, if necessary, I think during the progress of this hearing, if it should be continued sufficiently long, and you care to go into that, it will be shown by stub books which we have here, which were kept at that agency, that Indians were suggested to take—that is, came and took allotments; they would not all take them at once, in a pile, as I understand it, but took them from time to time, and their names were written in the stubs against certain lands. Upon visiting those lands, which they did not know, it is said that they found them very bad, worthless—marsh, lake, or something of that kind; that that was the theory. That they became disheartened or disgusted with the allotments that had been assigned to them, and were willing to part with them for a very slight consideration to purchasers, and that after having parted with them, the allotments on these stub books, by writing over, clumsily writing over, in the stub books, and leaving it there, a changed allotment application in description was really issued to them in fine pine land; in other words, that the allotments were switched without any knowledge or control of the Indian, so that whereas the Indian was suggested to apply for, and did apply for, land that he found to be of no value, and therefore was willing to convey it for almost anything that he could get, and did convey away, then the application of allotment was switched to include valuable pine land. I am told that there is such evidence as that here in the form of stubs.

Mr. BURKE. I do not understand how he could convey. Neither do I understand why he would take a worthless piece of land.

Mr. BURCH. I was not there, Mr. Burke; I could not inform you. But the stubs show that they did receive allotments, that those allotments were conveyed away, and that they were changed afterwards from poor land to good pine land. I only state the facts. I do not theorize about this.

Mr. BURKE. The changing from the poor land to the good land you would not criticize?

Mr. BURCH. I would not have criticized it if it had been in the hands of the Indian; but after he had parted company with it for the benefit of his conveyee or grantee——

Mr. BURKE. That is another matter.

The CHAIRMAN. As I understand you, the change was made after the Indian had lost the title?

Mr. BURCH. Surely.

The CHAIRMAN. And the switch was made for the benefit of the Indian's grantee, and not for his own benefit?

Mr. BURCH. I think the stub books are in the city of Washington showing some such work as that.

Mr. BURKE. I hope you will get the committee access to them, or tell us how we can get them.

Mr. BURCH. That is all they were brought here for.

Mr. BURKE. We certainly want to see them.

The CHAIRMAN. We will reach that bridge later.

Mr. BURCH. In the due course, I may not get at this as rapidly as you desire me, but it furnishes interesting food for reflection by the committee, and I think the committee will be satisfied, before we get through, of that fact.

Mr. BURKE. When was that?

Mr. BURCH. I can not tell you. I do not carry all this in my head. I have gone on down to the time of the allotment of these lands, which brought me on a step further, to the passage of the so-called Clapp amendment, which was no amendment; or act, as it is sometimes termed, which was no act, but a part of an appropriation bill. I call the attention of the gentlemen of this committee to a peculiar fact, which made possible all that happened afterwards and which, if a slight amount of care had been taken in the framing of that legislation, might easily have been avoided, and I would not have been here to-day, or any of us, for this purpose. No machinery, no method, no means were provided in that act, which thus emancipated these people, for determining who of these Indians had the right to convey away, had the right to their land.

Mr. BURKE. I think he is right about it; but the act ought to be incorporated in the record.

The CHAIRMAN. Do you wish it to go in at this point?

Mr. BURCH. Yes.

(The act referred to is printed in full, as follows:)

[Clapp amendment, from Indian appropriation act for 1907, approved June 21, 1906.]

That all restrictions as to sale, incumbrance, or taxation for allotments within the White Earth Reservation in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the department for such allotments are hereby declared to pass the title in fee simple, or such mixed bloods upon application shall be entitled to receive a patent in fee simple for such allotments; and as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application.

Mr. BURCH. No machinery whatever was provided. Hence, who was to know, how would they know, who was an adult of the mixed blood or who was a minor of the mixed blood? How would they know these little girls here, then 12 years of age, from an adult woman? There was no means of knowing in advance. So, when that act passed, it is related that its passage was celebrated among certain white people skirting about those little railroad towns that had grown up with bonfires and illumination and a general jubilee, and the speculator and grafter ran into that reservation and took indiscriminately conveyances from children in the schools and from pure bloods at home. The interdicted classes were not respected by these people; not at all. They took their

deeds for what they were worth; they expected to make good. Mainly these deeds were taken in a peculiar way, doubtless under advice of attorneys. They had on the blank form of these deeds usually a blank affidavit for the allottee to sign and swear to that he or she was an adult of the mixed blood. They then had two more forms for supposed corroborating witnesses upon this same paper, blanks for affidavits of corroborating witnesses, that they were adults of the mixed blood. They had them sign those papers—somebody did—and there went on record in the county offices of the respective counties in which the lands were situated the affidavits, with the conveyances; that is, what purported to be affidavits. Many of our suits are based upon the fact that not an oath was administered in connection with the transaction; that the Indians knew not their contents, had no knowledge of them whatsoever, were not informed that they were purporting to testify to facts like that. That constituted a cloud upon the title of the United States.

Mr. BURKE. I have been wondering what the inquiry was leading to, whether this gentleman is going to bring to the attention of the committee something that has transpired by which a department is not doing what it should do. I do not understand the purpose of the statement.

The CHAIRMAN. I have sufficient confidence in Judge Burch's knowledge of the situation, and his standing generally, to wait until he has finished his statement and see what it leads to, and ask, as I asked before, that he make it as full as he pleases.

Mr. BURCH. I suppose the question which Representative Burke intended to convey really amounts to this, has this committee jurisdiction?

Mr. BURKE. I have not raised that question, Judge. I think you had better proceed with your statement.

The CHAIRMAN. We will be better able to determine that after you have finished.

Mr. BURKE. It simply occurred to me. It is a very interesting narrative.

Mr. BURCH. From an academic standpoint, I suppose.

Mr. BURKE. No, sir; I think from one who is on the ground, and I am very glad to hear the statement.

Mr. BURCH. The subject has been revolved in my mind to quite a considerable extent, but to tell the story and let you judge whether you have jurisdiction, whether there is anything in it that should be considered here or not is the only way we can do it. I am going at it in almost chronological form.

Mr. BURKE. You have a proposition that you expect finally to present?

Mr. BURCH. I hope to, a proposition of jurisdiction germane to the duties of the committee, the expenditures of money already expended, and more money that may be asked for, several items of jurisdiction; but they are so interwoven with matters which might not be strictly germane that it is impossible to disintegrate or segregate them in such a way as to put them in the form that a court of law would in trying a case at law rather than a case in equity. I want to make that in the kindliest terms possible.

Mr. BURKE. I was not intending to criticize you.

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Mr. BURKE. I was not intending to criticize you.

in the main. It is a roll, I think will be stated in evidence, if necessary, the most complete that was ever made here. I would not claim for it absolute verity. It probably has mistakes as to blood status, probably not as to age, but as to blood status, of some of these Indians. It is carried out to the fraction of one hundred and twenty-eighth white blood. That is, the supposed fractions of white or Indian blood are carried out against the name of each one of these Indians on the roll, clear to a fraction of one hundred and twenty-eighth of white blood. That roll is important. That strikes pretty near the jurisdiction of this committee and it is important in this way, the roll shows the status. If that roll had not been made it would just have been a matter for us to determine by our proceedings in court only who were adults of the mixed blood, who were minors, and who were full-blood Indians. The roll itself is not even prima facie evidence in the court. It does not bind the person involved—that is, the person whose name is carried on the roll—as to his blood status or age. It is for the use of the department. But what of a roll, what of the proposed roll that is still before this Congress—that is, the proposition still before Congress and on your calendar somewhere, I do not know in what stage? What is the reason for the creation and the expense of a congressional commission? To this particular point I desire to challenge your careful attention, gentlemen.

In tribal councils a mixed blood is as good as a full blood. In the tribal annuities a mixed blood participates the same, and in the same measure, as a full blood. In every school relation or other relation of the reservation a mixed blood is as good as a full blood. If the proposition to divide these $3,000,000 pro rata among these Indians were to be considered by the House, a mixed blood would get the same amount of money as a full blood. There can be but one reason for wanting a congressional committee to prepare a roll, and that reason, gentlemen, is in respect to these lands, the alienation, or the right to alienate these lands, the only purpose that it could subserve. Our roll does not affect that one way or the other, except that it is a mere guide for us and for the Commissioner of Indian Affairs and for the Secretary of the Interior. Their roll would be a conclusive determination of that fact, if Congress so ordained, as has been done in other jurisdictions, as I understand it, with other tribes.

Now, I desire to call you attention to these circumstances: That is just what we are trying in the courts, that proposition. What is the blood status of a given Indian, or what is the age of that Indian, is just the point of our cases, because if they were minors of the mixed blood they had no right to convey. The land was the land of the United States, and that merely clouded the title to the land, and the party who purchased from them obtained nothing.

The CHAIRMAN. Just there, will you pardon a suggestion, or, rather, an inquiry?

Mr. BURCH. I will be very glad to have it.

The CHAIRMAN. In case the bill you spoke of awhile ago became a law, would there be any monetary or financial liability on the United States to those Indians who would thus be deprived of whatever rights they now have?

Mr. BURCH. I can not say. It is a question that might be mooted, but the United States, by the trust patent, and by the process of allotment from this reservation to these Indians, has given him a

practical promise that at the end of 25 years, unless the President renews the term of restraint, it will give him a patent. It is like a contract for a deed in our ordinary conveyance. A contract for a minor, or a child, an incompetent person, is included in those lands. When he comes to wake up and finds that the land is gone and somebody else claims it, and yet is able to substantiate the fact that he is a full-blood Indian, or was at that time a minor of the mixed blood, and had no right to convey, that the United States was his guardian and was conserving the affairs of this Indian reservation, I do not know why he should not have at least an equitable and, by will of Congress, a legal claim to that land, or its equivalent in some form or other. So I answer the Chairman in the affirmative, in my opinion. But I give it for what it is worth.

Mr. BURKE. I will ask, in connection with that, are you familiar with the act passed in May, 1906, that authorizes the Secretary of the Interior to issue a patent in fee to any Indian whom he considers competent?

Mr. BURCH. Yes.

Mr. BURKE. If it should happen that the Secretary of the Interior did in fact grant a fee patent to an Indian and he sold his land and got the proceeds and squandered them, and it was thought that he was really incompetent and ought not to have had the patent, do I understand you to say that you think there would be a claim against the United States for failure to protect the interests of its ward?

Mr. BURCH. No; I do not go to that extent. That is an adjudication upon a direct issue by the Secretary of the Interior, and you know the Supreme Court of the United States has said that where the Secretary of the Interior passes upon a question of fact and settles it, it is not for the courts to afterwards interfere with it.

The CHAIRMAN. Then you do not claim, in this instance, in the case of the White Earth Indians, that an adult Indian who was of the mixed blood would have any claim against the United States thereafter?

Mr. BURCH. There are questions involved in that that I am afraid are rather beyond—I am perfectly willing to go into that whole matter.

The CHAIRMAN. I do not think it is necessary.

Mr. BURCH. We are not attempting to recover for adults of the mixed blood.

The CHAIRMAN. Of course, my question only went to full bloods, or minors, or others under legal disability.

Mr. BURCH. Yes.

Mr. HENSLEY. Let me ask right there what is to prevent minors who are laboring under this disability, full bloods, from going into court and recovering this land if they have had fraud perpetrated on them, as you have said?

Mr. BURCH. Nothing except that it falls to the United States; it does not fall to them.

Mr. HENSLEY. It ultimately means the same thing.

Mr. BURCH. Ultimately and now are two different things in law. What might come 25 years later, or what might have come if circumstances had been different, I do not know; but you will understand the basis of our bills in equity to recover these lands is not a recovery of lands, but to remove clouds.

Mr. BURKE. How is the plaintiff designated in these cases?

Mr. BURCH. United States of America, by George W. Wickersham, Attorney General.

Mr. BURKE. Separate suits, I suppose, in each instance?

Mr. BURCH. In each allotment. We found from our experience that that was the best way for it to be done.

Mr. BURKE. Has there been a demurrer, then?

Mr. BURCH. Yes; argued before Judge Morris, and decided in our favor.

Mr. BURKE. I think you are right about the law.

Mr. BURCH. We cleared the decks for action.

Mr. HENSLEY. That is covering it. You have made plain the proposition that clouded my mind. There is no liability of the Government except to remove this cloud from the title of the lands that the Government intends for the use of the Indians?

Mr. BURCH. Gentlemen of the committee, do not misunderstand me. We have not yet been so broad in our claim bureau as to claim that we have a right to go in for the adults of the mixed blood who were emancipated from restraint, and attempt to right the wrongs, manifold though they may have been, in the sale of the various allotments for something less than messes of pottage.

Mr. BURKE. In other words, you have attempted to go into an act which was authorized by an act of Congress that may have been unwise?

Mr. BURCH. We are simply telling you the result of it, how it came about that the United States land—we are not trying to tell you how it came about that the lands that belong to the United States were attempted to be gotten away from them, instead of lands that belonged to Indians. That act made every difference in the world. Of course, they were emancipated; they were owners in fee simple.

Mr. BURKE. I am in the position of having prophesied exactly what would happen at the time the act passed.

Mr. BURCH. You would not have had to be very much of a prophet to do that.

Mr. BURKE. No; it could not have been otherwise.

Mr. BURCH. It was as plain as the nose on a man's face.

Mr. BURKE. How many suits are pending?

Mr. BURCH. We have, at my last advices, 985; 1,000, substantially. There will be about 100 more.

Mr. BURKE. Each suit involves 160 acres of land?

Mr. BURCH. No, sir; you must understand there was an original allotment and an additional allotment. Very frequently the original allotment went to one conveyee, or grantee, and the other one to another, and we found it better, instead of putting them in a blanket bill and amending and fussing and fooling around, to just file the same kind of bill in each particular allotment, whether additional or original, and go ahead with it, and we have already had deeded back to us many of these lands.

Mr. BURKE. From your narrative it would seem somebody had been violating the statute, and there perhaps ought to be criminal proceedings.

Mr. BURCH. I was going to say before I got through that there is a bill, called the Burke bill, popularly, out in that country, approved on the 25th day of June, 1910, and if we could only get a chance to

get along to it it might be, and is already, a very great aid to us in regard to some of these minor suits, and if we can ever get along it may be a great deal of value to us in our work up there; a bill of which the author, if you are the author, may be very well proud.

Mr. BURKE. Under that act the taking from any Indian any contract, deed, mortgage, or other instrument affecting his allotment would be a felony, would it not?

Mr. BURCH. I thought it was a misdemeanor.

Mr. BURKE. I guess it is a misdemeanor.

Mr. BURCH. But you know that we have been so awfully busy that we have not got around to that. However, there are lots of infractions of that bill up there, and they are occurring every day.

Mr. BURKE. I expect very many of the cases you have described antedated the passage of that act.

Mr. BURCH. But now, to make plain, they are going to these persons, who were minors and who conveyed and who have now become adults, and soliciting conveyances from them in direct transgression of the Burke Act.

Mr. BURKE. There are some indictments, are there not?

Mr. BURCH. They are not on that score at all. They are under section 5440 of the Revised Statutes.

Mr. BURKE. I did not suppose that they were under that act; but there are some indictments?

Mr. BURCH. Yes, indeed; and I hope there will be more. There should be a lot more.

Mr. BURKE. How many are there?

Mr. BURCH. Only three indictments in three different bunches.

Mr. BURKE. How many in each bunch?

Mr. BURCH. Four of them each in two bunches, and two in another, and three in another.

Mr. BURKE. What are they charged with?

Mr. BURCH. They are charged under section 5440 of the Revised Statutes with conspiracy to defraud the Government in the matter of obtaining these public lands. I have had little to do with the criminal side of this, although I have given general directions about that. But I know the purport and effect of it. I may say—I perhaps ought not to say it—I think perhaps I ought not to say anything further to you of the matter.

The CHAIRMAN. Of course, this committee has nothing to with do the criminal feature of it.

Mr. BURCH. I am answering questions.

The CHAIRMAN. I understand.

Mr. BURCH. Understand, gentlemen, I want to return to it, and I want to emphasize it so that it is as plain as anything can be in the sunlight, that there is no earthly reason for the passage of the act for a commission to prepare a roll of these Indians, unless it is about these lands; not the lands of the adult mixed bloods, who have gone, under sanction of law, but these minors and full-bloods. And that is about to be determined in the United States courts, where persons interested on both sides may be represented by attorneys, after the fullest and most searching of examinations, and submitted to a Federal court, supposed to be, and doubtless is, absolutely impartial; so that the decision of that court in each case will be the accomplishment of what the commission would no. Do you want a commission

to do that which a Federal judge can do in these suits? That act, however, is here, and I think it has been pressed and will be pressed, and it is to make it plain and emphatic, so that everybody may understand it, that I call your attention to the fact that the only thing that can be done by that process is to substitute what I believe to be a more or less impotent affair in the way of a commission for the judgment of a Federal court, after all questions are mooted in a proper suit in equity to be heard by him.

The CHAIRMAN. Have you indicated at what point you wish that bill to be inserted in the record?

Mr. BURCH. The Clapp Act?

The CHAIRMAN. No, sir; as to the appointment of a commission; not the act, but the bill you refer to.

Mr. BURCH. We have it in our files up in the department.

The CHAIRMAN. Do you wish it to go in at this point?

Mr. BURCH. Yes.

(The bill referred to is printed as follows:)

That a commission consisting of three members be, and the same is hereby, created, authorized, and empowered to make a complete census roll of all the Chippewa Indians who have received, or are entitled to receive, allotments of land in severalty on the White Earth Indian Reservation in the State of Minnesota.

Said commission shall consist of the present Chippewa commissioner, a member to be appointed by the Secretary of the Interior, and a member to be chosen and designated in a general council by the White Earth bands of Chippewa Indians, to be held at the village of White Earth, on the White Earth Indian Reservation, in said State, and the proceedings and report of which council shall be certified to the Secretary of the Interior and authenticated by the chairman and secretary of the council.

The commission hereby authorized shall be selected and appointed within thirty days from the passage of this act, and shall forthwith assemble at the village of White Earth aforesaid, and, after organizing, shall proceed to enroll, in alphabetical and convenient order, all persons entitled thereto, showing the name, age, and sex of each, and making the roll in two parts, one of which shall include only persons having Indian blood alone, which persons shall be designated on the rolls as "full-bloods," the other shall include only persons entitled to enrollment and having other than Indian blood, which persons shall be designated on the rolls as "mixed-bloods."

Said rolls shall be in quadruplicate, one copy to be delivered to a member of the tribe, to be designated by the council, one copy to be filed at the White Earth Agency and kept there open to the inspection of any person desiring to examine the same, one copy to be delivered to the Commissioner of Indian Affairs, and one copy to the Secretary of the Interior.

The rolls shall be signed and certified to by the members of the commission and shall be filed, as herein provided, within six months from the date of the appointment of the commissioners by the Secretary of the Interior, and shall be conclusive as to the classes to which said Indians belong, whether "full-bloods" or "mixed-bloods."

Said commission is hereby authorized and empowered to administer oaths and take the necessary testimony for establishing the facts in each case with reference to the class to which any member of said reservation belongs on the rolls.

If any Indian whose name appears as a full-blood on said rolls, has, prior to the making thereof, sold and conveyed his allotment, or any part thereof, to an innocent purchaser, under representation by such Indian that he is a mixed-blood, the Secretary of the Interior may, and he is hereby authorized, with the consent of the allottee, either to confirm such sale, or, if the amount received therefor, in the discretion of the Secretary of the Interior, be deemed inadequate, he may offer for sale, and sell, under such rules and regulations as he may prescribe, such full-blood's allotment, or any part thereof, and, after reimbursing said innocent purchaser for all sums paid to the allottee therein, shall turn over to the allottee the balance so received from the sale: *Provided, however,* That in all cases where a purchaser has made improvements upon the land at his own expense, such improvements shall be separately appraised by the superintendent in charge of said reservation, by the owner of the improvements, and by the allottee, and said land shall not be sold for less value than said appraisal on both land and improvements.

The allottee or any other person interested in the classification and enrollment under the terms of this act shall be permitted to appear in person or by attorney before said commission and present testimony that he may deem proper.

And to defray the expenses of making such rolls, the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund of the Chippewa Indians of Minnesota, now in the Treasury of the United States, to be charged against the Chippewas of White Earth Reservation and be reimbursed to the fund out of their share.

Said commissioners shall be each entitled to compensation at the rate of ten dollars per day for each and every day actually engaged in the discharge of their duties. They are also hereby authorized to employ an interpreter at five dollars per day, and such additional assistance as they may deem proper and necessary, including clerks and stenographers.

Mr. BURKE. Again I want to ask you, if I understand, your appearance here is prompted by a fear that Congress may pass a bill that is now pending in the House that would in some way affect these suits and you are simply here to express the hope that there be no such legislation; is that the purpose?

Mr. BURCH. No, sir; you have narrowed it to too narrow limits. We have been charged openly in papers there and elsewhere with squandering the money of the Indians.

Mr. BURKE. That is exactly what I had in mind.

The CHAIRMAN. As I understand, Judge Burch, that feature of it, the policy or impolicy is simply extended to the question of which you want to get the conditions well known.

Mr. BURKE. Then I understand Judge Burch now to say that, in view of certain newspaper statements, he is here making a defense of the administration of affairs, so far as these lands are concerned; is that the purpose?

The CHAIRMAN. I did not so understand it.

Mr. BURCH. No, sir; you again seek—I do not say seek—you again narrow my idea.

Mr. BURKE. I do not wish to narrow it; but I want to find out what you are coming at.

Mr. BURCH. I understand that charges have been filed. It is so given out in the papers—I have not seen them—that charges have been filed here with some committee or somewhere in Congress and are to be brought against the people who are associated with me and connected also with the Indian Bureau who are acting in cooperation with me, that moneys appropriated by the Commissioner of Indian Affairs for assisting in carrying on this work of investigation, the righting of these wrongs, is improperly being used, and that the work of the Department of Justice in that connection—that is, I suppose, I exercise authority over these gentlemen on the force—that we are improvidently using that money to carry on investigations that ought not to be made, and all that sort of thing. It is embarrassing; it is a little uncomfortable, but it is not unusual with people in my situation to have that sort of thing said in the newspapers and have no chance to reply. You may possibly have been in the same situation yourself. By the ethics of our department our mouths are sealed. We are not permitted to go in the newspapers and defend ourselves. They can cartoon us, lambast us, villify us, and criminally libel us and we must keep at our posts, silent, and doing our duty. I happened here. I had learned of these charges. I have come in contact with the gentlemen of these committees and professed a willingness

to make these charges at any time. I have been invited to do so—or at least given an opportunity to do so—and that is why I am here.

Mr. BURKE. Then you are answering the question that I propounded, that you are simply anticipating charges that I did not know had been presented formally.

Mr. BURCH. I understand they have been presented.

Mr. BURKE. I did not know that.

Mr. BURCH. I heard they were presented; I have not seen them. It is a sort of "Now you see it and now you don't" sort of affair, which bothers me and is embarrassing, and my way of meeting things is to meet them face to face, and promptly, and thrash them out and have them ended. That is the proper method, I think.

(Thereupon, at 12.15 o'clock p. m., the committee went into executive session, at the conclusion of which an adjournment was taken until Thursday, July 27, 1911, at 10.30 o'clock a. m.)

WHITE EARTH RESERVATION

No. 2

HEARINGS

BEFORE THE

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JULY 27, 1911

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman.*

SCOTT FERRIS, Oklahoma.
HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Thursday, July 27, 1911.

The committee met at 10.30 o'clock a. m., Hon. James M. Graham (chairman) presiding.

The following members of the committee were present: Messrs. Ferris, George, Hensley, and Burke.

There were also present: Thomas Sloan, attorney at law; E. B. Merritt, law clerk, Indian Bureau; and Mrs. Helen Pierce Gray.

Mr. BURKE. Mr. Chairman, I want to ask a question simply for information. Some days ago I saw in the papers that one Mr. Brandeis had been engaged by this committee as counsel, and the evening paper last night published a statement that that was the fact, or that he had been engaged for the committee. Simply for information, I would like to know what is his relation to the committee.

The CHAIRMAN. Is your inquiry for information or publication? If your inquiry is for information, it ought to be asked in executive session; and if it is for publication, we ought to know it. As to the things that appear in the newspapers——

Mr. BURKE (interposing). I saw the publication in the paper, and certainly thought there would be no harm in inquiring about it.

The CHAIRMAN. That is quite true. The chairman has not paid much attention to the publications in the papers. For instance, the Chair saw in one of the papers the statement that a vacancy was made on this committee and that you were put here to represent and defend the administration. Now, the Chair would not pay any attention to that statement, and it would seem as if everything that appears in the newspapers ought not to be made the basis of inquiry in an open meeting of the committee. If it is merely for information——

Mr. BURKE (interposing). I will make the inquiry in executive session if there is any reason why it should not be made in open meeting. It did not occur to me that it was a matter that necessarily should be confined to executive session. I have no desire to embarrass the chairman by asking the question.

The CHAIRMAN. The chairman is not embarrassed; not at all. The chairman merely wants to know, Mr. Burke, whether this inquiry which you make is for your personal information or for publication. If it is made for publication, the committee ought to know it;

but if it is made for your personal information, then it had better be made in executive session.

r. BURKE. I do not think the Chair is justified in making the suggestion that he has made about the question. I stated that the purpose of the question was for information; and if it will help the matter any, I will reiterate my statement that it is for information.

The CHAIRMAN. In response to that statement, the Chair would have to reiterate that some inquiries for your personal information had better be asked in executive session. In this case the Chair has no hesitancy in answering your question. Mr. Brandeis has not been engaged by the committee, but the chairman of the committee hopes that Mr. Brandeis will give his services to the committee.

Mr. BURKE. That is all I want to know. I am not in any way intending to cast any reflection upon the chairman or the committee for employing Mr. Brandeis or anybody else, but having seen it in the papers, not once, but several times, I thought it was entirely proper to make the inquiry.

The CHAIRMAN. The Chair thinks that everything that appears in the papers is hardly a proper subject of inquiry in open meeting, just as the chairman has intimated with reference to the statements about you. The Chair would not think of making such an inquiry as to that.

Mr. BURKE. If I ask questions that the Chair thinks are improper, I hope the Chair will respond by saying that he prefers to have the question asked in executive session.

The CHAIRMAN. The chairman has said so.

Mr. BURKE. Then, it is your desire that I ask questions only in executive session?

The CHAIRMAN. That depends upon the nature of the question. If it is made for personal information, you ought to make it in executive session. If it is a matter you wish to get in the newspapers, and you desire to ask it when the reporters are here, it is perfectly proper to ask it in their presence.

Mr. BURKE. I do not care for that feature of it. I simply wanted information, and it is usual when information is wanted in a committee to inquire for it.

The CHAIRMAN. That has not been my experience, and I think the rule I have suggested is the correct one.

Mr. BURKE. I can not see any possible reason why this course would be improper—that is, to make the inquiry in full committee. If it is, I want to know it, because it is not my intention to violate the usual customs that prevail in the committees of Congress. I have had some service on committees. I think I know my rights, and if there is anything that can possibly suggest that any question of this kind is improper I can not conceive what it is.

The CHAIRMAN. The Chair has expressed his view about it, and must leave the rest to the discretion of the members of the committee.

Mr. BURKE. That is all I care to ask about.

The CHAIRMAN. Is there anything further—is there any other question?

Mr. BURKE. I have no further questions.

The CHAIRMAN. Judge Burch, you may proceed.

STATEMENT OF MR. F. C. BURCH—Continued.

Mr. BURCH. Mr. Chairman and gentlemen of the committee, last evening I was approached by an attorney who has had more or less to do with White Earth matters, and, if I correctly understood the tenor of his remarks made to me, I drew the conclusion that he imagined that there was some sort of star-chamber proceeding going on here respecting these White Earth matters. I endeavored to enlighten him to the best of my ability, but am not sure that I entirely succeeded, he being somewhat superheated at the time. Now, for the purpose of placing it in print and upon the records of this committee, so that, metaphorically, "He who runs may read," I wish to have that matter, by your permission, settled now, and I will state my understanding of the status of the inquiry. I have understood that my statements here and at this time was to be considered by this committee the same as if in a legal proceeding I had set out my cause in the form of a complaint upon the record, or in the form of an opening statement before the court and jury, as the case might be; that it was in no sense a star-chamber or ex parte proceeding, but that I, being present here by permission of the Attorney General for this purpose, at this time might lay upon the record matters which others would be afforded the most complete opportunity to meet and answer, and that this opportunity will be afforded anybody representing the contrary of the position which I assume. Am I correct in that?

The CHAIRMAN. As the Chair understands it, you are entirely correct. There are two large doors, wide open, to this room, and the public is not only invited but welcome. There is no star-chamber proceeding connected with it. I will say at this point, so far as the Chair is concerned, that if there are any interests anywhere in the country which consider themselves antagonistic to the position you are taking—I can not speak for the committee, but I think I am right when I say the committee will be ready and willing to hear them advocate their views and to give all the facts to this committee.

Mr. BURCH. Well, not only that, but to go a step further, of course, it may be the complaint of these people that they, being hundreds, if not thousands, of miles away, can not suddenly pull themselves together and get here for the purpose of meeting anything I can say or anything I may present at this time. I had supposed that the purpose of the committee, as at least intimated by the chairman, was to allow this opening statement to be made as opening up all these conditions, and then at the close of this session, or perhaps at the close of the hearing of myself, the matter might go over until such time in the future as the committee might see fit to meet after the rest, which the chairman intimated the committee desired at the close of this session, and then all parties interested, in the meantime having had notice, might appear before you and be at the service of the committee for the purpose of enlightening the committee on all the questions involved. I wish to have that made so plain—although I can not control the action of the members of the committee—that no one can have occasion to charge in any way that it is sought to represent anything here ex parte, or to present anything here that they can not have the fullest opportunity to meet. If that is correct, and if we understand each other, I will proceed.

The CHAIRMAN. The chair certainly understands the matter in that way, Judge Burch, and the chair has had some communication, one from a Mr. Beaulieu, of White Earth, in that regard, and I wired him this morning and also wrote him in substance as you have already stated, that the hearings were now on, and if he desired a representative here I felt reasonably sure that the committee would give him that opportunity, and that there was no danger whatever of this hearing being closed until everyone who had a right to be heard had had a chance to be heard.

Mr. BURCH. As it was, I think, his attorney that I had the talk with last night, I feel entirely satisfied with that result, and I will now proceed.

As nearly as I can recall, when we closed I was discussing the rider to the appropriation bill of 1906, which furnished the opportunity for this reservation to be opened, and these people to purchase or acquire by any legal means allotments from the adults of mixed blood, and crookedly—that is, illegally—from minors of mixed blood and from fullblood Indians. I did not state at that time, but probably should have stated, I think, that in the peculiar language of that rider the act was only made appropriate to the then condition of affairs. Subsequently, the next year, that is, the calendar year of 1907, or, to be exact, on March 1, 1907, an amendment was made, I think, on an another appropriation bill to the first bill, which used language instead of limiting it to the present, to apply to all future time, "now or which may hereafter," or words to that effect. Perhaps I can get the words here—"heretofore or hereafter." I think "heretofore" was in the earlier bill and the word "hereafter" was added upon this second rider:

(Paragraph quoted from as follows:)

[Act of Mar. 1, 1907, 34 Stat., Pt. I, p. 1034.]

That all restrictions as to the sale, incumbrance, or taxation for allotments within the White Earth Reservation in the State of Minnesota, heretofore or hereafter held by adult mixed blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the department for such allotments are hereby declared to pass the title in fee simple, or such mixed bloods upon application shall be entitled to receive a patent in fee simple for such allotments; and as to full-bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application.

The effect of that was very great. Had the first bill remained in force only, of course future transfers—that is, the transfers of minors who should thereafter reach the age of maturity and attempt to convey—would probably have been cut off. In other words, the act as first passed would have been applicable to those who had then reached their majority, but the words "or hereafter" not only made it applicable to those who might afterwards reach their majority—that is, of mixed blood—but practically made it certain that in due course of time and by the almost certain trend of events every bit of that land, whether restrained for 25 years or not, would fall into the hands of the purchaser—that is, the person desiring to purchase from the Indians—because naturally they would either die or reach the age of maturity or become adults.

Mr. BURKE. At what age?

Mr. BURCH. At the age of 18 for a female and 21 for a male under the laws of Minnesota. The laws of Minnesota respecting the estates of persons are applicable, of course.

The CHAIRMAN. Did not the act of 1889 fix the legal age for males the same as that for females?

Mr. BURCH. I do not know. I do not think it did. It may have, but I am not sufficiently familiar with it to say.

The CHAIRMAN. I am not certain about it.

Mr. BURKE. I think he is right about the legal age of females.

Mr. BURCH. I think they just made the laws of Minnesota applicable to them. I know that the laws of Minnesota are applicable from proceedings we have in court, and I think they fixed the age as I have stated. Now, every one of those full-bloods, from that time forward, must reserve in his domestic or in her domestic relations the absolute integrity of their Indian blood, or else the property, if mingled at all with white blood, would come under the terms of this act. Now, in associating closely together, the natural order of things would occur, and it would not be strange that an Indian maiden of full-blood would not stop in her preference for a husband because of one one hundred and twenty-eighth of white blood. What we call love does not ordinarily go in that direction. So keen was this purpose, and I might say the all-pervading purpose of that amendment to that act passed in 1907—if it was a purpose—or its effect—I will put it in that form, because possibly it was not a purpose—the effect was that sooner or later all of this land would practically fall into the hands of the white men. We are there, may it please the committee, in the work of attempting to save a forlorn hope, the remnant of this once happy reservation, for the homes of these Indians. Once it was intact; once it was complete; once the Indians had it to themselves. There was no objection possibly to allotments in fee simple; but when it was broken up and this opportunity was given it was given in such a way, and continued in such a way, as to result in the wiping out of that land as a reservation, and the equitable duty of the United States ultimately was to furnish new hunting grounds, new homes, and new opportunities for those who had been inveigled into selling.

I do not wish to decry the Indians; my voice is lifted up here in his interest, as far as my comprehension permits me to go, but I do say that as the Chippewa Nation stands there on the White Earth Reservation to-day they are not capable of competing in business affairs with such men as I saw there engaged in real estate transactions last year on the trail of those natives. So, as I say, we are engaged in trying, in the interest of the United States Government, to remove the cloud unlawfully put upon these lands. The only question at issue in the courts is this: Were these parties of full blood or mixed blood? Does a mixed blood mean one half or less, and were the parties minors or adults when they sought to sell, and thus cloud the title of the United States to their land? The Steenerson Act, which has been alluded to and which will be further alluded to further on—indeed, I do not know but I might as well pay my respects to it at the present time and designate it forthwith as a bill to beat the winner in this litigation—is based upon the erroneous assumption that these lands allotted to minors of mixed blood and to full bloods belong to them. At least our rule for the Government

of the United States is that the United States owns each and every foot of these lands, and that the Government gave the trust patrons a mere beneficial right to occupy them as a sort of lessee for 25 years, and if the President of the United States sees fit to extend the term and the right to use these lands he may do so. Hence the Steenerson bill proposes that the land shall become the land of the illegal grantee of these Indians, or the so-called grantee of these Indians, and should be deprived of this ownership in the land upon the condition that the court which hears the case and decides it in favor of the Government find the amount of the difference between what the purchaser did pay and what he ought to have paid. The theory and principle upon which the bill is laid is that the United States has no interest in this whatsoever, and that it is only the Indian who is concerned. True, the Indian's beneficial interest might have been sold, but in these lands that is the right to occupy for 25 years, and only that. Now, I desire to call attention to the fact that the Steenerson Act was for an additional allotment, and in 1904——

Mr. FERRIS. I was not present at the other hearing, and am anxious if I can catch the thread of the presentation. Have you the acts you have referred to? You refer to an amendment to the appropriation bill of 1906, and to the word "hereafter" incorporated in the act of 1907.

Mr. BURCH. I understand they have been put in the record, and you will get it in the printed report. Some of them, I think, have not arrived yet. Some of them will be put in, and the Steenerson bill may be put in in connection with my remarks.

Mr. FERRIS. I am sorry I was not present at the other hearing. I want to be clear as to the questions involved in the suits pending concerning the White Earth Reservation. Is the mooted question whether they are full-blood or part blood, or did you bring the suits upon the ground that the amendment was irregularly enacted?

Mr. BURCH. No, sir.

Mr. FERRIS. You did not attack the amendment at all?

Mr. BURCH. No, sir.

Mr. FERRIS. What I am trying to find out is what the real issue was in your suit. Is it a question of whether they are or are not full-bloods?

Mr. BURCH. Yes, sir; and whether minors or adults, as the case might be. The Clapp Act provided that adults of mixed blood should practically have their allotments in fee simple, subject to taxation, etc., and capable of alienation if they so desired. We were not contending at all against the right of Congress to pass such an act as that, or that they passed it by unconstitutional or improper means out of the power of Congress. That was not the point, but I was reciting this to show the general trend of the legislation which began to appropriate these 32 townships of land in severalty to the Indians and mingled it with the desire to acquire, and accomplish the purpose to acquire, large bodies of valuable pine timber by means of that act and overreach all the land so sought to be allotted under that act. Nearly 6,000 Indians are upon this reservation, and we are bringing about 1,100 suits; not, therefore, involving in these suits nearly so many persons, because we make separate suits where the original allotment has gone in one direction and the additional al-

lotment has gone in another after conveyance. The allegations in the bill, samples of which I have here, are very simple. I tried to frame them that way, and they consist in this: That the United States was the owner in fee simple of a part of this public domain, and the described lands in the bill were and are a part and parcel set out as an Indian reservation for the beneficial use and advantage of certain Indians; that those Indians were furnished allotments in severalty, but that, mistaking their status as to the ownership of the lands they sought, without right, to convey those lands away by mesne process to the defendants named in the bill, and that such pretended conveyance or supposed conveyance, though illegal, was so made as to form a cloud on the title of the United States to the property in question, and therefore should be removed, because whoever received or whoever sought by mesne process to take possession of these lands acquired no right, since the original purported grantee had none as against the United States, and there the bill closed with the ordinary prayer.

That naturally threw upon the defendants the burden of pleading that they were brought within the exception of this Clapp Act. We did not confess and avoid; it was unnecessary for the Government to assume any such relationship in its litigation as that. We assume that we own these lands in fee simple, and he who claims the contrary must prove his way. They demurred to these bills. The demurrers were heard by the United States court, and they withdrew them to prevent their being dismissed; in other words, it was understood on all hands that the demurrers would not stand. And they are now answering that they were within the excepted class—the emancipated class, I will put it. Now, by our replications the issue was made complete; that is, they answer that they were adults of the mixed blood. We replied that we still have the rights, and deny that fact. The issue is very simple and complete. The only thing that can be done in this case is to prove—to have the courts decide.

Mr. FERRIS. If I may interrupt you there just for one more question—although I dislike very much to interrupt—has there been an official roll made showing the quantum of Indian blood on the White Earth Reservation?

Mr. BURCH. We have the best roll that was ever made in respect to any Indian tribe here as a part of this hearing; it is here now.

Mr. FERRIS. How many rolls have they had?

Mr. BURCH. They never had any complete roll before this that I know anything about.

The CHAIRMAN. At that point, however, Judge Burch, will it not be claimed by some that a former roll is correct and that your own is not?

Mr. BURCH. I never heard such a claim about a former roll. I have heard many claims in regard to ours of that kind, and gentlemen of the committee do not understand me; nothing short of omnipotence, absolute omnipotence, would ever serve to make a correct, an absolutely correct, roll of these Indians.

Mr. BURKE. Was there any roll prior to the one you speak of of the White Earth Indians that purports to show the quantum of Indian blood?

Mr. BURCH. No official roll; no.

The CHAIRMAN. Was there not a roll in connection with the act of 1889?

Mr. BURCH. I think not.

Mr. HINTON. There was a census. The commissioners were authorized to make a census at that time.

The CHAIRMAN. Was not that census a substitute for a roll?

Mr. HINTON. That was not a full census. It was simply to determine who was entitled to allotments.

Mr. BURKE. There might be white persons on the roll?

Mr. HINTON. Yes.

Mr. FERRIS. There is a roll in existence?

Mr. BURCH. A later roll than this?

Mr. FERRIS. That purports to show the Indian blood of each allottee?

Mr. BURCH. Yes; we have made that.

Mr. FERRIS. When was that made with reference to the bringing of your suits?

Mr. BURCH. Contemporaneously; at the same time. The work on both was going on at the same time.

The CHAIRMAN. Is it official or authoritative in any way?

Mr. BURCH. It is official to this extent, that it was approved by me and afterwards approved by the Attorney General; by myself in charge of White Earth matters, afterwards approved by the Attorney General, or transmitted by the Attorney General to the Secretary of the Interior, by him referred to the Commissioner of Indian Affairs, approved by the Commissioner of Indian Affairs and returned to the Secretary, and finally approved and adopted by the Secretary. It was authorized in the first instance to be made by the Secretary of the Interior, and, so far as action of the executive departments is concerned——

Mr. BURKE. Do I understand that any act of Congress authorized it?

Mr. BURCH. No.

Mr. BURKE. Then this roll would not be evidence in court?

Mr. BURCH. No; it would not.

Mr. BURKE. Simply for your use in proving your case in each instance?

Mr. BURCH. No; not even that.

Mr. BURKE. What was the purpose of it?

Mr. BURCH. The purpose of it was to satisfy the Indians where they stand, as far as they choose to be satisfied; in other words, to show the Indian Bureau where they stand in dealing with the Indians according to the best investigation of their own people. It has no legal, binding effect upon the court, upon Congress, upon the Indians themselves. It is the best effort, we claim, that can be made.

Mr. FERRIS. I do not want to become tedious, but it seems to me this is the very heart of the whole thing, the rolls, so far as an act of this character is in existence. What roll did you say had been enacted prior to this?

Mr. BURCH. None.

Mr. FERRIS. What roll was in existence at the time this amendment was put on?

Mr. BURCH. None. They did not provide any machinery. That is the very point that I am making here.

Mr. FERRIS. Then each purchaser of those lands had to rely on his own responsibility as to whether he was a mixed blood or a full-blood?

Mr. BURCH. Absolutely. They went in there and took them indiscriminately.

Mr. FERRIS. They undoubtedly bought at their peril, under those circumstances.

Mr. BURCH. At their peril. That is exactly what we claim. As I remarked here the other day, a man who goes to war takes his life in his hands; a man who deals with an Indian upon an Indian reservation respecting land upon that reservation takes all the chances.

Mr. FERRIS. If he is within the law, I think he takes no chances—or should take none.

Mr. BURCH. If that act had contained any machinery for the providing of a roll of those persons who were to be the beneficiaries, if that is the proper term, of the act, we should not have been here; there would have been no trouble. We are only here now clamoring for the integrity of our legal proceedings, which are only for the purpose of removing the cloud from the title of those lands conveyed by children and conveyed by full-bloods; that is all we are here for. We do not raise any question before this committee as to what was done. There is coming up now from this Joplin district in the Indian Territory, over in Oklahoma, over the line——

Mr. FERRIS. Miami; Wyandotte?

Mr. BURCH. No.

Mr. FERRIS. Quapaw?

Mr. BURCH. No.

Mr. FERRIS. Osage?

Mr. BURCH. I think it may be the Quapaw. Mr. Ewer, a special attorney of the department, just over the line in Oklahoma, has just carried some lead-land matters to the United States Circuit Court of Appeals for the Eighth Circuit. It was argued and committed there a few weeks ago. I was not present at the argument, but I had an associate there to hear it, in which it is contended, gentlemen—I do not know but that I am wandering too much, and taking up too much time—in which it is contended by him for the United States that so broad and comprehensive is the guardianship of the United States over the Indian, and so closely has it retained that guardianship, that even where rights have been given to lease or to sell land, to the Indian allottees of that land, that the Government, if they have been overreached in a transaction—that is, the Indian has been overreached in a transaction—can assume—that is, not statutory, not appointive—guardianship of the Indians, proceed in equity, or take any other remedy to set aside a transaction or recovery for the wrong done. I suppose it would take that issue, even in a court of law, to recover for the wrong done. It has raised a very interesting question that has been much mooted in this case, whether we could take those who were overreached, sold their birthrights for less than messes of pottage, for instance: whether the Government could step in for those people in the Federal courts, and, by bringing an action such as I have suggested, set aside that transaction, just the same as if a ward under guardianship had attempted to do the same thing.

Mr. BURKE. You do not contend for it?

Mr. FERRIS. The United States does not contend that, does it? You do not contend you have that power, do you?

Mr. BURCH. I say, gentlemen of the committee, I am not here contending for that, because we have not touched it, and it is a purely academic matter now, not germane to this situation at the present time. He contended it for the Government. An appeal was taken from Judge Campbell, of Oklahoma, as I understand it, to the Circuit Court of Appeals for the Eighth Circuit upon that theory. I am told he made a very impressive argument. What the court may decide I do not know. We are awaiting the issue of that, and then, if it should be favorable to the Government, the decision of the Attorney General or the Secretary of the Interior as to whether we shall go on. Up to the present time we have confined ourselves absolutely to those cases where, by passing over the line, the United States has had a cloud placed upon the title of its lands owned by it in fee simple. If we understand ourselves, I will proceed with the further discussion of this.

I stated the other day that there was a lot of valuable pine timber connected with this reservation, all that was not sold in the four townships that were sold under the provisions of the Nelson Act and the acts subsequent to it. A large amount still grew, particularly upon the eastern part of the reservation. It is a significant fact, of which, if the committee will listen to it, we will offer proof, that pending this series of bills which finally became legislation, representatives of large lumber companies—cruisers, as they are called—were in upon that reservation, outside of these four townships, looking over the timberlands and estimating them. So I am told that it happened that when two lines were formed to prevent a riot between the full-bloods and the mixed-bloods, for the purpose of taking their additional allotments under the Steenerson Act, which occurred, as nearly as I can locate it, in the spring of 1905, a year before the passage of the so-called Clapp rider, or amendment, at least in several different hands interested in timber or lumber companies there were complete estimates of all the valuable timber on that reservation—a somewhat significant fact. And it is said, and we shall offer evidence in the fullness of time, with the permission of the committee, to that effect, it became known to the full-bloods that the pick—that is, it became rumored among them—that the pick of the lands—that is, the timberland—of course, these Indians understood the value of that in cash, dollars and cents, above mere agricultural land—was being assigned to mixed-bloods, or would be. So I am told that we have the proof to show that when they lined up there—I understand the fact to be—that the then Indian agent of the agency was the one who took the applications and assigned the allotments.

Mr. BURKE. Who was he?

Mr. BURCH. His name was Michelet.

Mr. BURKE. Where is he at the present time?

Mr. BURCH. He is an attorney, I understand. I do not know what he is. I understand he resides in the city of Minneapolis at the present time, and I heard—I do not know this of my own knowledge—that he was a struggling lawyer at the time he was appointed, seven years previous to the time he resigned. At that time they were lined up there, and there came near being a riot between the full-bloods and the mixed bloods, because they said the mixed bloods were getting the best of the timber. That was the cause of complaint.

Mr. BURKE. You said he was a struggling lawyer when he was appointed?

Mr. BURCH. So I heard.

Mr. BURK. What was he when he resigned?

The CHAIRMAN. Was he still struggling?

Mr. BURCH. On the contrary, my information leads me to suppose he does not have to struggle any more. That he is no longer engaged in the struggling business. [Laughter.]

They got their allotments. The way they encompassed that was this: They formed two lines, one supposed to be the mixed bloods, and one the full-bloods. It is a significant thing that they claim now that there are only about 65 full-bloods on the entire reservation; but at that time, so they say, may it please the committee, there was a long line of them, and they took alternately from them and the others. The blood had changed, by some mysterious process more remarkable than that in the case in Canaan in Galilee, where water was turned into wine. A remarkable change has occurred in the blood status of all these people, as we are expected to meet it in the courts of justice up there.

Mr. BURKE. It is changing back now, is it not?

Mr. BURCH. Which way?

Mr. BURKE. Toward full-bloods; since they have conveyed?

Mr. BURCH. No; I do not think it is changing back. It is just staying where it always really was.

Mr. BURKE. What I mean by that is: Is it not true that some of the full-bloods have repudiated their transfer?

Mr. BURCH. I think it is; and I think it is true that the most of them have.

Mr. BURKE. Then they are changing back.

Mr. BURCH. You mean in their opinion?

Mr. BURKE. Yes.

Mr. BURCH. Yes; certainly.

Mr. BURKE. It is a mere matter of opinion?

Mr. BURCH. It is a matter, I suppose, of opinion, until we get evidence.

Mr. BURKE. Of course.

Mr. BURCH. Anyhow, we are possibly losing time, and I want to go on. That was in 1905, in the spring, and this first act, this rider which permitted the conveyance of these lands, allotments, applying to the adults of the mixed blood, was passed, and forthwith the trouble began which brings us here.

Mr. BURKE. This is when they had the celebration, I believe you said?

Mr. BURCH. This is the time they had their bonfires and illuminations and speechmaking and general carousal.

Mr. FERRIS. On the passage of this amendment?

Mr. BURCH. On the passage of this rider. It is not an amendment; it is a rider upon an appropriation bill.

Mr. BURKE. The jollification was not confined to Indians?

Mr. BURCH. It was mostly whites. It occurred mostly among white circles. The Indians probably did not understand this thoroughly. The lumber companies got large quantities of timber from these allotted lands, probably, undoubtedly most of it, or much of it anyhow, from the allotted lands of the mixed-blood adults who

were emancipated and had the rights. But, scattered along in our suits, we have taken good care to see that they have been made defendants, and that either prayers for injunctions, where the timber has not yet been cut, or for accounting, where the timber has been cut, or for both, where it is in the intermediate stage, are filed, and good bond required from these companies to protect, for the benefit of the Indians, any timber which they may have purchased from lands thus unwarrantedly sold. That was the first work I did when I went to take this matter in charge, and I may say, for the benefit of those lumber companies who profess to have acted in perfect faith, and may possibly see fit to be represented here by counsel, very heavy companies, that they did not put us to the trouble of asking for injunctions; they reasonably and quickly entered into an arrangement without that trouble, and we proceeded with our work. Now, understand, they had not got enough of this land—that is, there was not chance enough to get enough of the land—and so this additional amendment of 1907 was enacted, and thus was made possible the final extinction, the ultimate extinction, of the reservation as the home of the Indians.

Mr. FERRIS. If I may interrupt right at that point, I understood you to state a moment ago, Judge, that in the majority of cases you thought the lumber companies that had purchased these lands purchased from adult mixed bloods.

Mr. BURCH. Yes; because there was a lot more adult mixed bloods than there were of the other class.

Mr. FERRIS. Then, did I understand you to state later that you had likewise sued them?

Mr. BURCH. Oh, no.

Mr. FERRIS. I thought I understood you to say that.

Mr. BURCH. Certainly they are made defendants in the bills.

Mr. FERRIS. And had enjoined them from the cutting of the timber and the sale of it?

Mr. BURCH. Oh, no; I said we had put these prayers in. The lumber companies did not cut all the timber.

Mr. FERRIS. That was not my question. I am trying to get at this. Are you bringing suits against men who purchased from conceded mixed-blood adults?

Mr. BURCH. Absolutely not; not a suit.

Mr. FERRIS. I understood you to state that in response to one of my questions awhile ago, and then I thought you restated you were suing them just the same, even though they purchased from mixed-blood adults.

Mr. BURCH. Not at all. We claim that in every one of these suits the original allottee and grantor was either a minor of the mixed blood or a full-blood.

There may be timber of a valuable character left on the reservation that has not fallen into the hands of the lumber companies or somebody else who desires timber. But I guess it is very little, very little indeed, unless we should maintain these actions and remove these clouds from the title. And even then much of it has already been cut, and all we can get is what the court sees fit to allow in the accounting which we have prayed for. What that may be, or what the result may be, I do not know. So, having analyzed this, considered the condition, before the passage of that rider, of that beautiful

reservation, solemnly agreed upon between the Government of the United States and this Indian tribe by treaty to remain the reservation of that tribe, in which treaty it was provided that no part or parcel of that land should ever be alienated to anyody but a Chippewa Indian, we find a reservation broken up, and we find left what remnant there may be of it for the home of these Indians who have attempted to convey it away. It probably would not be more than one-fifth, 20 per cent, of all that has been conveyed away, the other four-fifths going, under the provisions of this rider, even if we are successful; and if we are successful, as I have already pointed out to you, gentlemen, with those two acts upon the statute books of this country it still is an almost perfunctory—or at least an almost unuseful—work, because I will show you that, if these lands are conveyed, ultimately, at the end of 25 years, to the allottees, they will again go into the hands of the purchasers for such consideration as they can agree upon.

It was intended by those treaties, which we now disregard, and which the Supreme Court of the United States says Congress need regard or not regard, as they choose, it being a sovereign power, to give or take away the land belonging to the Government, we must reach this conclusion, that in violation, at least, of the morale—not the legal features, but the morale—of that treaty, the Indian no longer in such respects has rights which the white man is bound to respect. In our law, as you gentlemen know, the white man's home is his castle; so it is in fact, as it seems to me, that the red man's home is his coffin and his grave. It comes to that when you get down to the last analysis of its terms, and whatever may be the jurisdiction of this committee, while I have charge of these matters, I hope and intend to lift up my voice, as well as I can, for these Indians.

Now, I pass from this legislation on to the conditions we find. We went there. We began our investigation. We had to do that. We went there at the instance of the Interior Department. The Indian commissioner furnished us a part of our force out of the miscellaneous fund of the Indian Bureau. The Department of Justice, out of its regular funds, furnished the rest. We had a small force. It was like a series of barbed-wire fences. Obstacles presented themselves to us everywhere, but we worked on hopefully and patiently. Almost immediately we were confronted with a request from the Indian commissioner that we would investigate the applications that were being made for fee-simple patents under this law, because, as you may readily see, if these people, having acquired these lands illegally, should get a fee-simple patent, they would come within the decision of the United States Supreme Court that where the Interior Department passes upon questions of fact and settles them, the court may not afterwards interfere, except in cases of fraud or mistake of law. So we had to advise the commissioner, and in the course of that a large amount of this money was expended—I think it amounts to as much as $4,000 or $5,000 altogether—which we are accused of misusing publicly there, constantly. We were compelled to use a portion of this money to answer the requests of Members of Congress that their constituents, or persons in whom they were interested, should have fee-simple patents; whereas the commissioner had no means of knowing whether they should have them or not—the very questions that are involved here.

We were further confronted with the proposition for a commission, which brings me to that bill. I do not know who introduced the bill; perhaps it is not material; that bill which is put before you, or I hope will be put before you, which provides for the appointment of a commission to be composed of sundry persons.

That bill which proposed the appointment of a commission. We had proceeded part way through our work. If a commission of that kind were appointed here, and then the result of that commission were made conclusive, we were out of business, so far as these suits were concerned, because their findings would be conclusive upon the court—that is, largely so.

The CHAIRMAN. As to all questions of fact, it would be.

Mr. BURCH. Yes. And questions of fact are just what are in the litigation now.

The CHAIRMAN. It all rests upon questions of fact?

Mr. BURCH. Yes; it all rests upon questions of fact. So the Attorney General wrote an opinion against that. I do not know who else may have written, possibly the Secretary of the Interior; but, at any rate, the bill did not become an act; it was not passed.

Mr. BURKE. I do not want to interrupt you, but there are some of these questions——

Mr. BURCH. Interrupt just as much as you choose.

Mr. BURKE. Do I understand that in these cases where you have brought suits which you have explained very fully, fee patent has not issued in any case?

Mr. BURCH. I think not. We have not intended that they should, and I do not think that the Commissioner of Indian Affairs——

Mr. BURKE. I want to ask you whether or not you have found cases where a transfer had been made where you concluded the allottee was a full blood, and the fee patent had been issued, and therefore you did not bring a suit?

Mr. BURCH. I do not know of such. No; I do not think we did.

Mr. BURKE. Then the Interior Department had not been speedy in issuing fee patents?

Mr. BURCH. Quite the contrary. They have been most commendably conservative and careful. In fact, that is exactly why they complain of being a little bit slow in this work, because they suddenly precipitated on us, unexpectedly, the question of whether certain people who made applications therefor were entitled to fee-simple patent or not, and we held thereon 600 hearings, embracing a long period of months, notifying these people to come in; and they came in, and many of them claimed that the applications for the fee-simple patents were forgeries, that they never had made any such applications, although each purported to be sworn to by two witnesses, jurats were affixed, and all that sort of thing.

The CHAIRMAN. What was the character of the signatures, just a mark, or a thumb mark?

Mr. BURCH. Often, where there were Indians who purported to have made them; but sometimes they were white people. But there is no law that I know of of Congress—no law upon our statute books, which denounces the crime of forgery.

Mr. BURKE. Under this act a full-blood Indian might make an application for a fee patent?

Mr. BURCH. Under this act a full-blood might; and we have advised many full-bloods that if they wanted to test that matter to go on before the Secretary of the Interior.

The CHAIRMAN. To what act do you refer?

Mr. BURKE. The Clapp Act?

Mr. BURCH. I do not know but what it does.

Mr. BURKE. I think it does. It provides that to any Indian allottee who is competent to handle his own affairs the Secretary of the Interior shall issue a patent in fee, upon application. That, Mr. Chairman, is for the information of the chairman and the members of the committee. You had an Indian here, a doctor from Chicago.

The CHAIRMAN. Dr. Montezuma?

Mr. BURKE. Yes; a full-blooded Indian. If he were a member of this tribe, he could apply for a patent in fee; and if the Secretary considered him competent, he could issue a patent in fee to him. And I cite him as an instance that an Indian may be a full-blood and perfectly competent. I think he would be admitted to be competent. Now, go ahead, Judge.

Mr. BURCH. Between that period of 1906, when the act was passed, and 1907, when the amendatory act was passed, and a time in 1909, late in the year 1909, when this matter came into our hands—that is, the hands of the department—of course the timber was largely cut. I do not know that that could have been prevented, but it went alike from lands which we claimed belonged to the United States and lands which had been alienated by adults of the mixed blood. We find some parties had acquired large tracts of these lands. I say this as pertinent to and bearing upon the claim ofttimes made here in Congress, I understand, that people acting in good faith, bona fide white people, were deceived by those Indians, overreached by them, induced to pay their good money out for something that did not belong to these sapient Indians, these shrewd manipulators of commercial deals. And they feel hurt about it. They feel as if the Indians had been engaged in a bunco game and overreached them, and that, as innocent purchasers, they have rights that ought to be seriously respected by Congress and the courts. Indians should not make affidavits that they were one thing and really be another thing. They should not do it at all.

Mr. BURKE. They should be estopped if they did?

Mr. BURCH. Yes; should be estopped if they did. And witnesses should not be brought by these Indians to testify to the same thing. When you come to think about it, that is not complimentary to our white civilization or to the intelligence of Members of Congress, nor of the courts of the United States, nor the officials of the United States—it is not complimentary. As a matter of fact, the methods taken for securing these patents and these conveyances beggar description. Had the statutes, reenacted by our State legislatures as amendatory of the common law or creative of some new criminal offense, been carried out upon a statute book by Congress as applicable to Indian reservations, the capacity of the three United States prisons at Atlanta, Leavenworth, and Seattle would have been insufficient to accommodate the persons who are guilty of offenses so denounced by the State courts, in my opinion.

The CHAIRMAN. Of what blood would they be?

Mr. BURCH. I will come to that right now. I have been moved more deeply in connection with this matter upon just the situation implied by the chairman's question than anything else. Out in the great beef-packing establishments of Chicago and the West, when they lead up the cattle to the slaughter they have what they call a "traitor" steer, trained to lead up the way the other cattle, which are induced thereby to follow; he to be turned aside, but they to go to their doom. The men who sought this land were wise in their generation as the slaughterers of cattle in the great cities. They knew they could not deal with these inexperienced Indians who distrusted, naturally, the white man. So they employed the traitor steer. This work of demoralization and fraud has been accomplished through the manipulations of persons who were themselves at least part of Indian blood, and who had been upon these reservations ruling factors in the game. They have helped accomplish it. They have overawed; they have overreached; they have used all sorts of inducements, of one kind and another.

They have led their kith and kin into the trap and induced them to part with their land, and it is those people that I hope your committee will have here and hear. Since we have been there in these operations we have been abused by one such, who prints what is called a newspaper up there. Even so mild a mannered man as I myself have been accused of telling a lie in connection with this matter. You know, there are some people, there have been people, who have been supposed to be engaged in the occupation of trying to consume all the liquor that was made; mostly they have failed. I may say some of these people have grown grievously selfish in their apparent desires to monopolize the telling of lies, to hold what they call in patent law a close monopoly of the lying business [laughter], and they seem to be deeply grieved to think that I told a lie, which they accused me of doing. I have searched my recollection as carefully as I knew how, and I can not recall the circumstances. It was not in our code of rules and regulations of the Department of Justice, no part of my duties, and I was never paid for it, and I do not think I did it.

But, Mr. Chairman, I have this to say, because it will undoubtedly come up here, that if I did tell a lie it was in the interest of poor, wretched, dependent creatures, who had nobody else, perhaps, to answer for them here at your bar but myself; and people who, by their condition of want and woe and utter hopelessness and dejection in the conditions that they have been placed in there, from a once happy home, starving, unhappy generally, might have warranted me in telling just one lie, although I do not believe I ever did it. If I did it, Mr. Chairman, I have this to say: That I think the recording angel must have put it down in pencil marks, easy to be erased. I dislike to take the time of the committee for this sort of thing, but it is bound to come.

Mr. BURKE. Suppose you tell us what paper it was, and the name of the publisher.

The CHAIRMAN. I would like to know the name of the paper and the name of the publisher.

Mr. BURCH. Gus Beaulieu. The paper is the Tomahawk.

The CHAIRMAN. That is my correspondent.

Mr. BURKE. Published where?

Mr. BURCH. Published at White Earth, Minn.

Mr. BURKE. Is he a part Indian?

Mr. BURCH. That is in dispute. But he has so claimed to be, and I believe it is in dispute.

Mr. HINTON. Yes.

Mr. BURCH. He is so claimed to be and has pretty nearly dominated that reservation for a long time past.

Mr. FERRIS. He is an allottee?

Mr. BURCH. Yes; an allottee, and annuitee, and every other "ee" you can possibly think of on that reservation. Besides, he has the reputation of being on the roll of one of these lumber companies as a paid employee. Whether that may be true or not I do not know.

The CHAIRMAN. Do you think there is any danger of a suit against you for damages for an infringement of that patent?

Mr. BURCH. If he should bring any suit for slander or libel against me, Mr. Chairman, I think I would bring about 50 or 100 against him, and we would set off.

The CHAIRMAN. Judge Burch, seriously, in view of what you have stated, what do you think as to giving Mr. Beaulieu a more formal notice that perhaps he should be present at these hearings?

Mr. BURCH. This hearing, now?

The CHAIRMAN. The hearings on this matter; yes. Of course, he could not be here to-day, because I received a telegram from him at some point in Minnesota. It came by way of Detroit, Minn.

Mr. BURCH. It is Ogema, probably, or White Earth. They telephone into Detroit.

The CHAIRMAN. You think it is via Detroit, so he could not be here to-day.

Mr. BURKE. Is he under indictment, Judge?

Mr. BURCH. Yes, sir.

Mr. BURKE. In connection with these matters?

Mr. BURCH. Yes, sir.

Mr. HENSLEY. What is the formal charge?

Mr. BURCH. Conspiracy to defraud the Government of its lands, under section 5440 of the Revised Statutes.

The CHAIRMAN. The Chair hardly thinks it fair to go into the question of an indictment. An indictment would not be admitted as evidence against any man anywhere.

Mr. BURKE. No; I merely wanted to know whether he was among that number that had been indicted.

Mr. BURCH. I had not gone into it; it was called out by a question. I am willing to desist here, if you want him present when I am talking.

The CHAIRMAN. He may read what you say, and he will have ample time and opportunity if he desires it.

Mr. BURCH. I am opposed to an ex parte hearing, and I am perfectly willing to be here present when anybody else is.

The CHAIRMAN. At this time it might be well to say that if there are any persons whom you think we ought to notify, the committee would be glad, indeed, to give them notice of the pendency of these hearings, and then leave it to them whether they choose to be present or not. The committee does not know who the individuals are who would, perhaps, like to be here.

Mr. BURKE. That was why I wanted the Minnesota members notified.

The CHAIRMAN. They were notified.

Mr. BURCH. If you will allow me, upon consultation with the others, who are better posted than I in regard to this, at the noon interim, or, if you propose to adjourn at noon, between now and tomorrow, I will endeavor to do it. That is what I wanted to get. We have been charged with pretty nearly everything they could think of in this paper, and at times by different people and by different newspapers, and so forth, at their instance; and we are here for the purpose of meeting those things, or even asking an inquiry in advance. I want them all to come; I would like to have them all come; and I would like to have this put off, whenever you want me to desist, after taking the testimony of these children and others who are here, and to set a time that will give ample opportunity, with a promise to bring the witnesses who are here now back for cross-examination, if they should desire to cross-examine them. I hope that course will be taken by the committee, although I am now subject to the committee's orders, having gone into this thing.

The CHAIRMAN. The Chair would suggest that you finish your opening, or preliminary, statement, in any event; but it does seem to me, in view of the facts that you have developed, that before testimony is taken those persons whom you think are particularly interested ought to have an opportunity to be here and either then or later ask such questions as they think necessary of those witnesses who can be produced.

Mr. BURCH. I would not hold hard and fast to that. It would be a desirable thing if these people here—their language is so peculiar that I fancy none of the parties I know of, or can think of, would be interested in it; and they were simply offered as a sample of what there was. I should have to consult with those who are better posted as to whether any of those whom I think ought to be summoned here are interested in the conveyances that these children have made.

The CHAIRMAN. Do you intend asking them any questions, or do you expect to offer them merely as exhibits?

Mr. BURCH. Questions. I want them to tell their cases—their simple stories.

The CHAIRMAN. It would seem to the chair that would involve the right of the others.

Mr. BURCH. Immediate cross-examination?

The CHAIRMAN. To ask them such questions as they thought proper and relevant.

Mr. BURCH. I offered to produce them for cross-examination if anybody did so desire.

The CHAIRMAN. Later on, you mean?

Mr. BURCH. Yes; I would like to have them tell their simple stories, and if anybody appears here to contradict those stories, or with a desire to cross-examine them, we will have them produced at some future meeting of the committee. And I put that on record.

The CHAIRMAN. That would be entirely fair.

(Thereupon, at 12 o'clock noon, the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

The CHAIRMAN. The committee will come to order.

STATEMENT OF MR. M. C. BURCH—Continued.

Mr. BURCH. Shall I proceed, Mr. Chairman?

The CHAIRMAN. Are you ready to proceed, Judge Burch?

Mr. BURCH. Yes, sir.

The CHAIRMAN. The committee is ready to hear you.

Mr. BURCH. Mr. Chairman and gentlemen, I probably should have given you the story from its inception. I omitted the extreme commencement. A professor, a naturalist, botanist, or something of that kind, Prof. Moorehead, of one of the schools at Andover, Mass., went to spend his summer vacation in the pursuance of his fads or fancies or researches upon the White Earth Reservation. He discovered the condition of affairs that had resulted from these acts of 1906 and 1907. He came immediately to Washington of his own motion and made charges to the Indian Bureau respecting them, and, I think, to the President—President Taft. At any rate, what he represented to them was taken so seriously that he was at once appointed a special inspector for this particular purpose, and there was assigned to his service a regular inspector of Indian affairs of the Department of the Interior. They were equipped with a force of stenographers and interpreters, etc., and conducted a three months' investigation; and while I can not say that it was productive of great results in absolutely legal form, so that we could begin where they left off and take up our work and put our cases into court, it acted as a guide for us, and we have followed it to such extent as was possible throughout.

Mr. BURKE. Who are those men?

Mr. BURCH. Prof. Moorehead and E. B. Linnen. I do not know Prof. Moorehead's first name.

Mr. HINTON. Warren K. Moorehead.

Mr. BURCH. Warren K. Moorehead and E. B. Linnen, a regular inspector. I want to bear testimony, from a time shortly after their return—perhaps two or three months after their return—when I first heard of this matter, down to the present time, to the cordial and active cooperation in all these matters of the Indian Bureau through its various officers, and especially Mr. Commissioner Valentine. He set apart Mr. Hinton, who prepared this roll, and who is here in the room; and he came on after their matter was worked up—that is, after the Linnen and Moorehead matter was worked up—and joined our force.

He provided some assistance in the way of two persons, one stenographer and one special agent, immediately; and after the commencement of the first fiscal year he provided from the miscellaneous fund $4,000, $2800 of which were used during the year, or thereabouts, and the rest turned back.

I desire to read into the record now, or have placed in the record—I will not read it—his protest against the bill introduced last year by somebody or other for the appointment of a special commission,

which bill I have been talking of; and with your permission I will hand it to the reporter or to the chairman.

The CHAIRMAN. To go in as a part of your statement?

Mr. BURCH. As part of my statement.

The CHAIRMAN. It can go in in that way.

(The document above referred to is as follows:)

WHITE EARTH AMENDMENT TO INDIAN APPROPRIATION BILL.

1. The act of June 21, 1906 (34 Stat. L., 353), removed the restrictions from all adult mixed-blood Indians of the White Earth Reservation, and allowed sales of lands of full-blood adults. This act also gave the Secretary of the Interior authority to issue patents in fee to mixed bloods. It could not be determined who were mixed bloods until an authoritative roll was prepared, showing the quantum of blood of each allottee. This was done, the roll being submitted to the department on December 31, 1910, and approved by the Secretary of the Interior on January 3, 1911. The roll was made with unusual care by representatives of this department and the Department of Justice.

2. The Indian appropriation bill passed by the Senate on January 24, 1911, contained, as shown on page 1458 of the Congressional Record, printed January 25, an amendment introduced by Senator Clapp, establishing a commission empowered to make the complete census roll of the Chippewa Indians who have received or are entitled to receive allotments of land on the White Earth Reservation.

3. The commission is to consist of three members, one member to be appointed by the Secretary of the Interior, one member to be chosen and designated in a general council of the White Earth Band of Chippewa Indians, and the other member to consist of the present Chippewa commissioner, Mr. Darwin S. Hall, whose services have been entirely unsatisfactory to this department. The commissioner appointed by the tribe would, in all probability, belong to a faction, and would in no sense be a fair representative of the tribe.

4. The roll is not required to be approved by the Secretary of the Interior, and the legislation authorizes the sale of the full-blood allotments wherever they have been improperly sold heretofore, in order to reimburse the innocent purchaser for the amount already paid by him, but it also leaves out of the question the fact that the Indian was in all probability the victim of fraud in selling in the first place, and that a sale of his land may be the worst thing for him. Furthermore, it does not take into account the timber on the Indian's allotment, and it would be possible for a purchaser of land from a full-blood Indian to cut and market the timber on this allotment without being required to reimburse the allottee therefor.

5. To sum up, about the only act left in the control of the department is the appointment of one commissioner. As to the other two commissioners, and what is to be done by all three, the department has no final say. This amendment was enacted in the face of the fact that the department now has a roll made by itself and the Department of Justice jointly, and one in which it believes the nearest approximation to a fair decision of each and every individual case as to matters of blood has already been made; and furthermore, the department has already ordered the publication of this roll, so that everyone may know the decision of the department as to the evidence of blood on the part of anyone claiming to be a member of the White Earth Tribe.

6. In the light of all the facts, it is considered that the amendment in question is a thoroughly bad piece of legislation. It is not believed that the Senate fully appreciates what this legislation means. If this amendment is allowed to remain in the Indian appropriation bill, it will enable a large number of grafters to reap the profits of wholesale frauds committed against full-bloods and mixed bloods on the White Earth Reservation, the former punishable under the Federal statute, and the latter punishable under the State laws.

7. All matters in connection with the frauds perpetrated against the White Earth Indians, which have been enormous, have been placed in the hands of the Department of Justice, and its representatives have been working on the cases for almost a year. About 500 cases have been instituted in the United States court, and if the amendment in the Indian appropriation bill is enacted into law, the work will have been rendered largely valueless, and the interests of the Indians will suffer greatly thereby.

Mr. BURCH. So it must be understood that the Department of Justice, to which I belong, only appears in this matter at the request of the Secretary of the Interior, superinduced by the request of the Commissioner of Indian Affairs; and it had its beginning in the request of the Secretary of the Interior that the Department of Justice take this business up and recover the lands, as we put it; but we construe that, of course, as meaning to remove the cloud upon the title to these lands and to prosecute the guilty parties criminally. To that work we have addressed ourselves down to the present time.

I now desire to proceed very briefly to tell you that we did, and what we have expended. We began this work in the latter part of the year 1909. We pursued it by way of investigations at the White Earth agency during the winter months of 1909–10. We began these hearings for the ascertainment of whether fee-simple patents should be issued or not, during the late spring, I will put it, of 1910; and they followed until the present time, as fast as it could be done. We procured 1,400 abstracts, or thereabout, of title, which we expect to show you. We instituted work to prepare an official roll, which we have here before you, and which we will be most glad to furnish you for inspection at all times. I suppose it must remain a part of the records of the Indian Bureau. I think I shall be able to prove before this hearing closes, by persons connected with the Indian Bureau, who are experienced men, that this is the most perfect roll ever prepared in the history of that bureau. I would not claim for it perfection. In my opinion it would require, as I have stated, omnipotence to prepare a roll absolutely determining the blood status of each and every member of that tribe; but the means we took, and the manner in which the work was performed, the character of the persons involved in it, their pertinacity in pushing their inquiry—in fact every element that entered into the preparation of that roll, as well as the roll upon its face, I trust will demonstrate to you that it is as nearly perfect as it could be made.

I have this to say: That so far as the appointment of any commission by Congress is concerned, it would be impossible, in my opinion, for anybody but a court of justice to improve upon that roll; and if improvements are made they have no importance except so far as these suits are concerned, in the alienation of this land; and that is exactly the point, I repeat that we are trying now in court. So that the Federal court—the United States district court as it will now be, both courts having been consolidated by act of Congress—will really pass upon the only disputed question, so far as we understand it, as to the blood status of the Indians that are in dispute.

Now, I assume that there are lawyers upon this committee. I feel certain there must be, and I assume that lawyers will readily agree with me when I assert that a Federal court, upon an issue framed in equity, with attorneys on both sides and representing all interests, is a better medium for determining the blood status of any person where that matter is in dispute than could be any congressional commission which you would provide for at the expense of the Government of the United States. Its only purpose, in our opinion, has been to legislate these suits out of court and to circumvent the action of the department in attempting to recover that which belongs to the United States in law. I think now I have covered substantially all of the salient points that may become involved, but it occurs to me

that having acquired jurisdiction of this matter and once entered upon its hearing that, like a court of equity, this committee should extend or amplify its powers by force of circumstances, and make a clean-up of this matter.

The CHAIRMAN. You mean by that, do you, that having jurisdiction for any purpose it should assume jurisdiction for all purposes of the case?

Mr. BURCH. That is it; like a court of equity—that once having obtained jurisdiction it will clean the whole slate up. And that is what I hope you may do to the end that there may be no extra expense and no duplication of the work—that we will not have to go through it again. And you can clean me up in the rest of it, if you desire, gentlemen of the committee, if I do not make good upon my statement here. That is to say, I am willing to stake whatever there is in me on the correctness of what I have stated to the committee.

I am reminded by the young lady stenographer, Miss Margaret Warren, who might perhaps have made a very good lawyer herself if she had had the opportunity, that in 1864 there was a treaty of the United States with these Indians whereby many of the mixed bloods obtained scrip in lieu of whatever they claimed against the Government; that they received it and used it: and after eating their cake they came back again in true repeating style upon this reservation and proceeded to engraft themselves, or have themselves engrafted upon the annuity and allotment rolls, etc., and that proofs will be offered to that effect if the committee desires to hear them. In other words, that the rolls of the tribe have been, to the very great sorrow of the full-bloods and some portion of the mixed bloods, padded. They have had engrafted upon them people who did not belong there and who had once had all that was coming to them. That may be made a subject of inquiry. I had not covered it. The other side may want to meet that before we get through, and I desire to note that as one of the facts.

Now, gentlemen, I have concluded substantially upon this matter; but I do not know exactly what course to pursue, after consultation, respecting the absent parties who may have considered themselves involved. I do not think there could possibly be any objection to putting Mr. Hinton on the stand with his roll, to demonstrate to this committee how and by what manner it was prepared. However, the roll will be here for inspection, and he, of course, will be here for further examination. I am a little anxious that at this time the committee should have an idea upon that subject, because we are prepared for it. I am in doubt, in view of the very emphatic way in which we talked on both sides in regard to the absent persons interested, as to whether these maidens here should be put upon the witness stand to testify now. I will state what they expect to prove, and then let them come again; or, if it is the wish of the committee I will put them on now and let them testify to it and hope to produce them again for cross-examination. But inasmuch as that might make two bites at a cherry—I did not intend any pun—I think, perhaps, it would be better to defer entirely any examination of the young women until a future time, in order to make a proper statement. In that respect I will defer to the committee. If you say go ahead, I will go ahead.

Mr. BURKE. Mr. Chairman, I suggest that we get through with Judge Burch before determining what we shall do further. I antici-

pate that some members of the committee will desire to interrogate him. I do, and I presume others do.

Mr. BURCH. You desire to interrogate me?

Mr. BURKE. Yes.

The CHAIRMAN. Have you finished your statement, Judge?

Mr. BURCH. Yes.

The CHAIRMAN. Do the members of the committee desire to ask Judge Burch any questions?

Mr. FERRIS. I have one question in mind, after Mr. Burke has finished.

Mr. BURKE. Go ahead.

Mr. FERRIS. The question I desired to ask Judge Burch was with reference to the length of time that will probably be required to make final disposition of these cases?

Mr. BURCH. I am very glad you asked that. I omitted it. I will rise to reply. We have filed up to the present time about 1,000 cases, and there may be 100 or so more filed. We expect to stipulate, indeed I think we have already stipulated, our case in chief without proof in many of these cases—that is, as to these mere record matters, as to which we could put on a register of deeds and have him testify—and recognizing that fact, the other side will kindly stipulate with us, I think, that we may adopt that course, and thus save expense.

By a family-grouping system we hope to cover the ten or eleven hundred cases with about 300 sets of testimony. Let me explain and make that clear. For instance, using English names, John Smith and his wife have several children. The children and the parents are all allottees. There might be quite a large number of them. It often occurs that as to the original and additional allotments of each they have gone in different directions and are thereafter the subject of different suits. But the question of blood status, the quantum of blood, or, if it might be so, the age, neighbors, and particularly the parents, must be relied upon to prove. Therefore, we hope and expect, if the other side are as reasonable as they have thus far manifested their disposition to be—at least their leading attorney, who represents more defendants' cases than any other—that after we have taken the testimony in the case of the father and had him answer for the rest of the family, and any testimony outside of the family, that that practically will answer for the whole of that family.

We have also, to show you how carefully we have done this work, grouped those cases on the records of the court in serial number. For instance, in the case of a family we have run them serially—in equity 1701, in equity 1702, 1703, and 1704—thus grouping them upon the court record. I think we have devised the most perfect system that possibly could be made of economizing labor in this way. Then the bills in equity which we have here are prepared in type and filled in, and you would hardly know the difference between the original matter and the printing, or the imitation of type, as inserted.

Now, I get down to the pith of your question. We hope that in taking the testimony—say 300 sets of it for the defendants, for they take the laboring oar and have the burden of proof on them, and our rebuttal, which is our defense—we can have all these cases at issue noticed for taking testimony perhaps by the 1st day of September or October.

Mr. FERRIS. Of this year?

Mr. BURCH. Oh, yes; and I think more than half of them are now actually at issue upon the records of the court. I can not just give the statistics in that line; but you know the process of equity cases.

Mr. FERRIS. Then what time do you assume will be required in actually putting in the testimony and trying the cases?

Mr. BURCH. Well, as I have figured, I hope and expect, as I was about to say, that with two or three attorneys and two or three masters in chancery—that is, examiners in chancery—we ought to do it, if the other side will respond to us as we do to them, in from six months to a year from the time all of the cases are at issue.

Mr. FERRIS. You began in 1909, did you?

Mr. BURCH. I can not just say at this instant when we filed our first bill. We began our investigations very late in the year—that is, they began them down here—but I think it was early in 1910 that they were first placed in my hands. That is my recollection.

Mr. FERRIS. Then these suits have only been pending about a year?

Mr. BURCH. Our investigations have been running for 19 or 20 months, and the suits themselves began to be filed, I think, in September of last year. It has been about 10 months since we first began to file them, and we have filed an average of about 100 every month from that time until the present time. We did that with the small force I had and all the other work we had to do. You must understand that I am only partially engaged in this work and that I have work in many other States that I have to give attention to, and another of the attorneys involved—the one next in control to myself, I may say—is also engaged in Colorado and the West in litigation, so that he is not able to be there all the while. We have to cut our garments to fit the cloth that we have up there in the department, and we have done our best.

Mr. FERRIS. I think we have a similar situation in my own State, only much more elaborate than this one and of much greater magnitude. We have more than 30,000 suits pending there——

Mr. BURCH. I know.

Mr. FERRIS. And I think it fair to the committee to say that a great lot of pending suits in any State has a terrible effect on property value generally. It can not be otherwise, and for that reason I think the question of speed of determination ought to be a question that is considered. Have you taken any steps to get enough help both in your office in the way of United States attorneys and in the way of masters in chancery to dispose of these matters within the next year or two?

Mr. BURCH. I have from the beginning not been satisfied with refusal at the door of the head of my own department, as well as in the Indian Bureau. They have, for some reason or other, always been able to respond. In our department they have responded to the uttermost of their ability, and I think I have been sufficiently influential there to get rather the better of the "trust-busting" people and others in the force that has been assigned to me and the amount that has been employed. More than that, gentlemen, Congress must look out for. We have done our best with what we had.

Mr. FERRIS. That is all.

The CHAIRMAN. Have you any questions, Mr. Hensley?

Mr. HENSLEY. No, sir.

The CHAIRMAN. Mr. George?

Mr. GEORGE. No, sir.

The CHAIRMAN. Mr. Burke?

Mr. BURKE. Yes; I have a few questions that I would like to ask.

Judge, I wish you would state again what your position is with the Department of Justice.

Mr. BURCH. Well, I am an attorney for the Department of Justice. That is my rank and that is my designation.

Mr. BURKE. What I want to ascertain is, are you one of the assistant attorneys employed on an annual salary or do you work on a special——

Mr. BURCH. I am on an annual salary of $5,000 per year, the same salary as that of an Assistant Attorney General, but with more freedom than they have of movement, etc.

Mr. BURKE. I wish you would state what force you have in connection with this work that you are doing at the White Earth Reservation.

Mr. BURCH. In detail?

Mr. BURKE. Yes; as briefly as you can.

Mr. BURCH. William A. Norton, $250 per month. Do you want the compensation?

Mr. BURKE. Yes.

Mr. BURCH. $250 per month, and I think an allowance, perhaps, of $3 a day for his expenses.

Mr. BURKE. What is his position?

Mr. BURCH. Special assistant to the Attorney General.

Mr. BURKE. All right.

Mr. BURCH. We work in part here and in part in Colorado, perhaps about half of the time in each jurisdiction.

Mr. BURKE. All right; proceed.

Mr. BURCH. Eugene H. Long, special assistant to the Attorney General, $200 per month; and I do not remember whether he has his actual expenses or $3 per day in lieu of expenses. I do not know that I know that, but $200 per month is his compensation, and he is all the while engaged in this work.

Mr. BURKE. What is his position, do you say?

Mr. BURCH. Special assistant to the Attorney General.

Mr. BURKE. All right; go ahead.

Mr. BURCH. Arthur M. Seekell, $200 per month and expenses; special assistant to the Attorney General. Gordon Cain—I think his compensation is $90 per month—special assistant to the Attorney General. He is about to be promoted to $1,800 or $2,000 a year, but that is his present compensation. Then there are two—just at present, three—special agents of the Department of Justice; that is, they are members of the Bureau of Investigation, so called, of the Department of Justice, Secret Service. Each of them, I think, receives $4 per day and actual expenses. Then there is one regular stenographer, who was detailed from Oklahoma up there, and I believe her compensation—and she has acted as attorney, practically, in drawing these bills—was $1,200 per annum and expenses, not to exceed $2 per day. That of the Department of Justice. Assigned to my assistance was John H. Hinton, who is present here in the room from

the Indian Bureau, whose compensation I can not answer for, but I think he gets $1,800.

Mr. HINTON. $2,000.

Mr. BURCH. $2,000 per annum.

Mr. BURKE. What is his position?

Mr. HINTON. Special Indian agent.

Mr. BURCH. Special Indian agent. After that there were first employed the same Seekell, who was then on their roll, at the same price for three or four months—I have forgotten how long; perhaps three months; I can not say definitely—but who was transferred to our Department of Justice service during the first year; and a man by the name of Mr. Fowle—I have forgotten his name—a stenographer at $100 per month.

That lasted, I think, until some time early in 1910; and after that Miss Margaret Warren here became the stenographer and interpreter in the office, along about the beginning of 1910. I do not know whether she was payable out of the fund that Mr. Valentine set aside for us or not. She was paid $70 per month.

Miss WARREN. And expenses.

Mr. BURCH. And her actual expenses away from home. We had to remove her to another place from where she lived. She had been connected with the Indian agency at White Earth. For a short time there was employed a Mrs. Long, wife of this Attorney Long, I think, in assisting in preparing the roll, doing writing work. I think she had $3 a day, or $75 a month, without expenses; and a Mrs. McIntyre, at, I think, the same price—$75 per month, without expenses. Later, there were added two Indian girls, Miss Sullivan and Miss Wright, one the daughter of a full-blood chief, Rev. Mr. Wright, at $60 per month each. That completes the force.

Mr. BURKE. Are the white persons that are employed there in the classified service?

Mr. BURCH. I do not know. Are you in the civil service, Miss Warren?

Miss WARREN. Yes.

Mr. BURCH. Miss Warren is in the civil service.

Mr. BURKE. I said white persons.

Mr. BURCH. Oh! Miss Agnes Snyder is in the civil service. You know the employment of Mrs. Long was only temporary. She was only there doing clerical work for a comparatively short time. No; I do not think they are. They are just temporary employees.

Mr. BURKE. Is this force that you still employ at White Earth?

Mr. BURCH. No, sir.

Mr. BURKE. Where are they?

Mr. BURCH. At Detroit.

Mr. BURKE. At Detroit? Are you in charge of the work?

Mr. BURCH. Personally in charge of all their work.

Mr. BURKE. When you are away, who acts in your place?

Mr. BURCH. Mr. Long.

Mr. BURKE. Mr. Long?

Mr. BURCH. Yes. We also have an office, if you desire to know about that, at 403–404, and we use 401 of a Federal building at Minneapolis, and the grand jury room there in that building, without rent or expense.

Mr. BURKE. Now, you have described in considerable detail what has been done, and you have mentioned a roll that was made; and I think you stated that 1,400 abstracts had been obtained?

Mr. BURCH. Thereabouts.

Mr. BURKE. Can you give us some idea of about how much money has been expended thus far in the work that has been accomplished under your direction?

Mr. BURCH. I can not, except by computation from the figures I have just given you.

Mr. BURKE. You have not it in mind?

Mr. BURCH. No, sir. I could ascertain it.

Mr. BURKE. Without delaying the committee, I wish you would ascertain it, and at a later time I may desire to have you state it. You can not state it offhand?

Mr. BURCH. No, sir. It is a pure matter of computation. I do not think any computation has ever been made, but I have given you the basic figures for it.

Mr. BURKE. Now, to get back to the beginning of your statement——

Mr. BURCH. You understand, I can not very well compute as to myself, because I could hardly determine how much of my time has been spent, and it would be pretty difficult as to Mr. Norton.

Mr. BURKE. While we are on that subject, let me ask if there have been any moneys expended in any way in connection with this matter that have been charged to the Indian fund?

Mr. BURCH. I only know by hearsay.

Mr. BURKE. I would like to know what you know about it.

Mr. BURCH. I have understood, none. You mean the Chippewa Indian fund?

Mr. BURKE. Yes.

Mr. BURCH. I am only informed in regard to that, and I have understood that not a dollar has been charged to it. [After consulting with Mr. Hinton.] I am informed now—not on oath, but I will state it so that it may be regarded as an issue, if you desire; in other words, a statement to be investigated—that the amount of money expended during the first year from the contingent fund of the Indian department for 1901 was $2,341.93—the contingent fund of the Indian department. I am now informed that the work of preparing this roll, as nearly as we can differentiate the work, which amounts to $2,296, was paid for from a fund arising from the sale of dead and down timber, presumably Chippewa timber.

Mr. HINTON. No; timber on the reservation.

Mr. BURCH. Timber on this reservation. So that, as a matter of fact, the tribal roll, as nearly as we can segregate our work and estimate it, has been paid for from this dead and down timber fund.

Mr. BURKE. Does the law provide that the money from the sale of dead and down timber shall go into the Indian fund?

Mr. BURCH. I do not know a thing about it—not the least in the world.

Mr. BURKE. But your information is that the cost of this roll was paid from the fund that was obtained from the sale of dead and down timber?

Mr. BURCH. The work of preparing the roll that was done during the year 1910—and that, I think, completed the roll—I think it was completed by that time—was paid, as stated, from that timber, as I am informed.

Mr. BURKE. I would like to ask you whether or not the Indians had at any time requested the making of this roll that you have described; whether any tribe in any way authorized or requested that a roll be made?

Mr. BURCH. Not to my knowledge.

Mr. BURKE. I believe you stated that in round numbers there are about 6,000 Indians in the White Earth Reservation?

Mr. BURCH. Yes; approximately.

Mr. BURKE. Will you state what proportion of the 6,000 are full-bloods?

Mr. BURCH. Well, I can not do that offhand. The roll will show.

Mr. BURKE. Can you state what proportion of the full-bloods are adults?

Mr. BURCH. What proportion of the full-bloods are adults?

Mr. BURKE. Yes.

Mr. BURCH. No; I can not.

Mr. BURKE. You can not answer that?

Mr. BURCH. No, sir. The full-bloods were all of a class. That is, in my estimation. What was done in the roll I do not recall; but of course we considered the full-bloods interdicted, whether minor or adult.

Mr. BURKE. You stated in regard to the allotments that were made that you are informed—you state that on information only—that the mixed bloods were in one line and the full-bloods were in another line?

Mr. BURCH. We expect to prove that; yes.

Mr. BURKE. And that in most instances the mixed bloods got the better lands and the heavily timbered lands?

Mr. BURCH. I am so informed, and we expect to offer evidence to that effect.

Mr. BURKE. You of course understand that an Indian makes a selection of his allotment under the law. That is, he has the right to make a selection. If he does make selection, he may have that particular land unless there is some reason why he shall not have it.

Mr. BURCH. I understand that to be the case in the law.

Mr. BURKE. You stated, I believe, that you were somewhat of a novice in Indian matters?

Mr. BURCH. My only experience in Indian matters, which could not be considered very much, was many many years ago, under Garfield, Hayes, and Arthur, as United States attorney in Michigan, where——

Mr. BURKE. Well, you never had any experience as a superintendent or in allotment work?

Mr. BURCH. No, sir.

Mr. BURKE. Then, I do not care to interrogate you as I otherwise might.

Mr. BURCH. Not at all. This is my first experience in that line.

Mr. BURKE. I believe you stated that one Moorehead—was that his name?

Mr. BURCH. Warren K. Moorehead; Prof. Warren K. Moorehead.

Mr. BURKE. He went out there and visited these Indians, did he?

Mr. BURCH. I never knew him. I only state that from hearsay. I can offer evidence on that, if necessary.

Mr. BURKE. What was your statement?

Mr. BURCH. My statement was that he went out there in pursuance of his fads or fancies, or calling, whatever it was, as a naturalist, or a botanist of some kind or other, to spend the summer vacation upon this reservation, in pursuance of his bent.

Mr. BURKE. When was that?

Mr. BURCH. It must have been, from my information, during the summer of 1909.

Mr. BURKE. And when was the so-called Clapp amendment passed?

Mr. BURCH. Three years previous.

Mr. BURKE. In 1906 or 1907?

Mr. BURCH. Three and two years previous, respectively.

Mr. BURKE. And when do you find that the matter of these transfers that you have described took place as between the time of the act and the going to the reservation of Mr. Moorehead?

Mr. BURCH. Well, I do not think I could answer that very intelligently, and I will give you the reason.

Mr. BURKE. If you can not answer it, it is not necessary.

Mr. BURCH. We can furnish you with better information than I can give you offhand.

Mr. BURKE. The purpose of my question was this. As I understand it, Mr. Moorehead brought the matter to the attention of the President?

Mr. BURCH. Very forcibly, I understand.

Mr. BURKE. Is it your——

Mr. BURCH. That is, I have understood that he went to the White House, and also to the Indian Bureau.

Mr. BURKE. Do you understand that that is the first information the President had of the matter?

Mr. BURCH. I think that was the first information that the President had of the matter; but I think Maj. Howard, the Indian agent——

Mr. BURKE. That was what I was going to inquire about.

Mr. BURCH (continuing). Who had come in in May, 1908—he tells me this; and of course it is susceptible of proof—had gone to discover and report things in one form or another. He is here and can answer for himself.

Mr. BURKE. Who was the agent who preceded him?

Mr. BURCH. I am answering many of these questions more or less upon information.

Mr. BURKE. Most of your statements are based on information?

Mr. BURCH. That is necessarily so. If it is so considered, all right. It was Simon Michelet.

Mr. BURKE. That was the struggling lawyer who went there as superintendent during the years before he resigned, I believe?

Mr. BURCH. He has been so described to me.

Mr. BURKE. You say you have about 1,100 suits?

Mr. BURCH. We have, to be exact, I think, 985 suits filed, or had at my last count; and I suppose there are drawn now, ready to be filed next rule day, enough to bring it up to about 1,025; and we have abstracts of title out—these are the fag ends that involve more

difficulty than the others—I am told somewhere in the neighborhood of 1,100 to 1,140.

Mr. BURKE. Can you state approximately how many individual Indians would be interested in these 1,100 suits?

Mr. BURCH. No; not offhand.

Mr. BURKE. Now, I believe you have already stated that notwithstanding this law was passed in 1906–7, very few fee patents had been issued at the time you began your work or have been issued up to the present time?

Mr. BURCH. No; I have not so stated.

Mr. BURKE. What is your statement in regard to that?

Mr. BURCH. I know nothing with regard to how many fee patents had been issued previous to the time I began the work. I have learned—or since we began the work and the matter was delegated to Messrs. Long and Hinton by the Commissioner of Indian Affairs I have understood—that about 200 of those who have applied and had hearings have been recommended.

Mr. BURKE. You evidently did not catch my question. In bringing the 1,000 suits and examining the title to 1,100 different tracts, these are all cases, as I understand, where a transfer had been made, and it is your contention that the Indians were full-bloods or minors. Is not that true?

Mr. BURCH. Yes, sir.

Mr. BURKE. In any of those cases did you find that a fee patent had issued?

Mr. BURCH. No; at least, not that I am aware of. I think there was a complaint that fee patents had been issued in two or three cases—in some few cases—that were filed by oversight. There were just a few; four or five or six, or something like that.

Mr. BURKE. No considerable number?

Mr. BURCH. No, no; we knew the condition of affairs here and we knew the condition of affairs in the county record; and it was an oversight in two or three cases.

Mr. BURKE. These timberlands that have been sold or attempted to be transferred—the timber in most instances has been cut, has it, and removed?

Mr. BURCH. I think very largely; yes.

Mr. BURKE. And in those cases I believe you stated that you had made the parties who got the timber parties to the suit and you expected to recover from them for the value thereof.

Mr. BURCH. I did not intend to have it stated quite as broadly as that. I did not make them. They seemed to be entirely willing to enter into an agreement to pay the Government according to the decrees or judgments of the court. I met their representatives and we had consultations together—the United States attorney and myself and others.

Mr. BURKE. Then do I understand that the lumber companies that you mentioned are not attempting to resist these proceedings?

Mr. BURCH. Oh, I think they are. Oh, yes; they are attempting to resist the proceedings.

Mr. BURKE. In what way?

Mr. BURCH. As grantees, or the grantees of the timber of the grantee. Surely. The largest portion of our cases, as I understand it, are represented by their attorneys.

Mr. BURKE. They must be in court in some way, are they not? You must have joined them as defendants, or——

Mr. BURCH. In many instances, but not probably all.

Mr. BURKE. Are they in court mostly because you have made them parties defendant?

Mr. BURCH. Yes: of course: surely.

Mr. BURKE. Who is the attorney who represents most of the claimants?

Mr. BURCH. R. J. Powell, of Minneapolis—a very reputable attorney.

Mr. BURKE. In about what per cent of the suits that are pending does he appear as counsel for the defense?

Mr. BURCH. I could not begin to approximate very closely, but I have had the opinion expressed to me. I do not give attention to that part of the business, it being in the hands of Mr. Seekell more particularly, but I would give a rough guess and say that either for that company—I mean the Nichols-Chisholm Lumber Co.—or as counsel for the other lumber companies it would run more than half, possibly five-eighths, of the whole number of cases.

Mr. BURKE. Is he the general counsel for this lumber company that you have named, or the general attorney?

Mr. BURCH. I do not know.

Mr. BURKE. What amount of land, if you know, does this company that you have just named assume to have title to?

Mr. BURCH. I do not know.

Mr. BURKE. You do not know?

Mr. BURCH. No, sir. I do not think we have ever taken any statistics.

Mr. BURKE. You have no information, then, as to the extent to which lumber companies, syndicates, or corporations may have acquired any of these lands? That is, to what amount?

Mr. BURCH. I have no information, but I have plenty of sources of information. In other words, there are others of our force who could tell you that.

Mr. BURKE. If you can not, you have some one who can give us that information?

Mr. BURCH. Yes; I think so.

Mr. BURKE. I believe you said that Morehead and Linnen went there early in 1910?

Mr. BURCH. No, no.

Mr. BURKE. When did they go there?

Mr. BURCH. Early in 1909 they must have gone; I should suppose about midsummer of 1909.

Mr. BURKE. Oh! 1909?

Mr. BURCH. Yes.

Mr. BURKE. And they worked about three months?

Mr. BURCH. I have so understood.

Mr. BURKE. Now, a word in regard to this roll. How was that roll made? Do you have personal information as to how it was made?

Mr. BURCH. I planned most of it, or considerable of it.

Mr. BURKE. Were you present when any part of the work was being done?

Mr. BURCH. Occasionally.

Mr. BURKE. Tell us, briefly, what you did.

Mr. BURCH. I think Mr. Hinton could give you a better idea on that subject when he produces the roll.

Mr. BURKE. All right.

Mr. BURCH. It is called the "Hinton roll." He is here by my side.

Mr. BURKE. What I wanted to ask about that roll was as to the extent to which parties have had access to it, if at all, other than the officials of the Government. Has it been——

Mr. BURCH. I guess somewhere in the neighborhood of eight or ten thousand copies of that roll are in print, made by order of Commissioner Valentine. It has been scattered broadcast over the reservation, and given to everybody who asked for it.

Mr. BURKE. When was that done?

Mr. BURCH. Within two weeks, perhaps, after the roll was approved by the Secretary.

Mr. BURKE. When was it approved by the Secretary?

Mr. BURCH. You had better get the roll for that, had you not?

Mr. BURKE. Yes; but I would like to know——

Mr. BURCH. I dislike to press my memory too much. We hope to exhibit this to you. We point with pride to this roll, and will be very glad to have you see it. It is in five parts, is it not, Mr. Hinton?

Mr. HINTON. Yes [producing the roll referred to].

Mr. BURCH. It is in five parts.

The CHAIRMAN. Do we have such copies as you speak of?

Mr. BURCH. You mean the printed copies?

The CHAIRMAN. Yes.

Mr. HINTON. Yes, sir; I have them right here.

(At this point Mr. Hinton distributed among the members of the committee copies of the printed roll above referred to.)

Mr. BURKE. Can you give me now the date when the Secretary approved the roll?

Mr. HINTON. The Secretary approved the roll December 31, 1910, as I remember.

Mr. BURKE. And it was given out very shortly thereafter?

Mr. HINTON. As soon as printed thereafter. That is the copy of the roll that has been distributed to whomsoever desired it.

Mr. BURKE. You say, Judge, that it is claimed there are people on the White Earth rolls—I believe you used the term engrafted on the rolls—who, it is alleged, do not belong there?

Mr. BURCH. Yes.

Mr. BURKE. If you were familiar with Indian matters you would know that that is true of every tribe of Indians in the United States.

Mr. BURCH. I am very sorry if that is so; but I am not familiar to that extent.

Mr. BURKE. I would like to know, if you can tell us, how the original roll of the White Earth Indians was made. There must have been a roll of these Indians. I do not mean a roll containing their strain of blood, but a census roll or some other kind of roll.

Mr. BURCH. I am absolutely unfamiliar with it, and know nothing about it whatsoever.

Mr. BURKE. In determining the strain of white blood, you have worked it out, you say, to a fraction of 128?

Mr. BURCH. The roll so shows.

Mr. BURKE. Why do you take that as a basis for determining?

Mr. BURCH. That is not a basis.

Mr. BURKE. Then, if a person had less than that he would still come, under this act, within the class of mixed blood, would he not?

Mr. BURCH. That is the very point we are going to have decided. We expect to claim to the court—and we do not know how the court will decide—that all persons who have more than one-half Indian blood are full-blood. That is within the meaning of this term and in accordance with the treaties that have been made with this tribe by a proper definition of the term "mixed blood."

Mr. BURKE. If they have less than half white blood, you are going to say they are Indians, and if it is more they are mixed bloods. Is that it?

Mr. BURCH. We shall claim that to the court. What the court will hold, of course, is a different proposition. And we shall claim that in the analogy of treaties from long back and the way the terms have been used.

Mr. BURKE. Are your suits based on that theory?

Mr. BURCH. No; no. What you mean is, have the number of suits that we have brought——

Mr. BURKE. Is there any suit brought by you in which the Indian is three-quarters Indian and one-quarter white blood?

Mr. BURCH. In accordance with my directions——

Mr. BURKE. I mean, adult Indians.

Mr. BURCH. As to the suits already brought, they are all full-blood or minors of mixed blood. We have not gone into that domain.

Mr. BURKE. That is what I wanted to find out.

Mr. BURCH. That is so, according to our investigations. If, however, it should transpire when the evidence comes to be taken—that is, if the preponderance of evidence is that they have a trace of white blood or some modicum of blood less than one-half——

Mr. BURKE. I see.

Mr. BURCH (continuing). We expect to urge the court that the proper consideration of that matter is that they are not mixed-blood Indians within that term, unless they have one-half white blood. That is a saving point that we expect to have adjudicated by the same court.

Mr. BURKE. I see. You made the statement that by this Clapp amendment and what has transpired, if allowed to stand, it will mean the end of the home of these Indians, which they were guaranteed they would have forever. Now, you have spoken about the act which provided for the allotting of these lands and that the lands were to be held in trust for the period of 25 years, which might be extended by the President at the expiration of the 25 years. I would like to ask you whether or not there is any limitation on the time to which the President might extend the trust period?

Mr. BURCH. I must confess that I did not take it from the act. I took it from reading carefully the statute in relation to this so-called trust patent.

Mr. BURKE. They differ, you know, according to the act under which the allotments were made.

Mr. BURCH. The statute which I studied provided for a restraint of 25 years, unless the President should, by proclamation, continue the restraint for a further period.

Mr. BURKE. Without any limitation?

Mr. BURCH. I do not recall that there was any limitation.

Mr. BURKE. Some of them provide that the time may be extended for 10 years.

Mr. BURCH. I am not quite clear as to that.

Mr. BURKE. If the president did not extend the time, the trust period would terminate at the end of 25 years.

Mr. BURCH. What is that?

Mr. BURKE. I say, if the president did not extend the time, the trust period would terminate at the expiration of the 25 years.

Mr. BURCH. Yes.

Mr. BURKE. And upon its expiration the restrictions would be removed and the Indians might do with their lands as they saw fit.

Mr. BURCH. That is the obvious promise in the trust patent, so called.

Mr. BURKE. When that act providing for these allotments was enacted it was determined by the Government, no matter what its intentions might have been prior to that time, to have an end, some time, to the condition that the Indian occupied, was it not?

Mr. BURCH. Yes; apparently that was the policy of Congress in general.

Mr. BURKE. Apparently that was the policy?

Mr. BURCH. Yes. Of course it is a matter of law, I suppose; but I have no objection to saying that would be my idea of it.

Mr. BURKE. The law may have been unwise, but nevertheless that was the law?

Mr. BURCH. I think so.

Mr. BURKE. Is there a reservation, as we understand the term "reservation," there at the present time at White Earth? Is it a reservation, or has it been allotted, and the surplus lands disposed of? I ask this because I do not know what the situation is there.

Mr. BURCH. I understand it is a reservation. I think the unallotted lands are still held in the reservation.

Mr. BURKE. And they have a superintendent?

Mr. BURCH. Oh, yes.

Mr. BURKE. And they maintain the usual agency force?

Mr. BURCH. Yes.

Mr. BURKE. Is the reservation fenced as a reservation?

Mr. BURCH. I think not.

Mr. BURKE. Are there white people occupying and living upon the lands throughout the reservation, to any extent?

Mr. BURCH. I will answer as to that from my observation to quite a considerable extent; but I have only in a few instances gone over a small portion of the reservation.

Mr. BURKE. Under the law inherited lands may be acquired, of course, by purchase; and I presume there must be some white settlements on the reservation.

Mr. BURCH. There are towns, small villages, or hamlets, as I would call them.

Mr. BURKE. Are there towns inside of the reservation?

Mr. BURCH. There are hamlets. I should hardly dignify them by giving them so strong a designation as "towns."

Mr. BURKE. How many such places are there?

Mr. BURCH. I have not visited them all, but I should judge there are half a dozen or a dozen along the line of the "Soo" road, Winnipeg division.

Mr. BURKE. How many white people would you say are in these little hamlets that you speak of, and how many white people are there altogether within what you understand to be the boundaries of the reservation, which consists of 36 townships, is it?

Mr. BURCH. Thirty-two, now. It was 36. I would be a mighty poor estimator of that, not having been in the towns, nor ever having gathered statistics of that nature about it; but there are persons here—Maj. Howard and Mr. Hinton—who could probably advise you very closely.

Mr. BURKE. Originally there were 36 townships, I believe you stated?

Mr. BURCH. Yes.

Mr. BURKE. And four were sold under the Nelson Act of 1889?

Mr. BURCH. It has been so stated.

Mr. BURKE. Did they sell the land or the timber? Did they sell the whole thing?

Mr. BURCH. The whole thing. That is, it has gone away from the Indians and is marked off of the map. I assume it was all sold.

Mr. BURKE. That was sold under regulations and the proceeds went to the Indians?

Mr. BURCH. It came under the general act first, and then by the Morris Act—I suppose named after Judge Morris, who was then in Congress, you remember—the details were provided for.

Mr. BURKE. How much money have the tribe to their credit now?

Mr. BURCH. I have heard it variously estimated at from three million to eight million.

Mr. BURKE. You do not know?

Mr. BURCH. No, sir; I do not know a thing about it.

Mr. BURKE. That is all.

Mr. GEORGE. What was the nature of the land in these four townships that were sold?

Mr. BURCH. Pine land; largely timber land. I can not tell you more than that. Pine timber, in my experience, grows on sandy, poor soil sometimes, and oftentimes on very heavy clay soil, which is the best of agricultural land. There are, or will be, those here who can tell you about that, probably.

Mr. GEORGE. To whom were those lands sold?

Mr. BURCH. Nor can I tell you that. That came before my time in this matter. That is something that was entirely closed. I assume it was sold to various parties.

Mr. GEORGE. Did you ever hear of any great lumber companies buying that land in any large quantities?

Mr. BURCH. I can not recall that I have. I do not now recall that I heard of that; but that is a matter that is easily susceptible of demonstration from other proof that we have. I labor under embarrassment about those matters, since I had so much to do directly that I did not consider myself charged with anything in the remote past.

Mr. BURKE. There is one other question that I would like to ask.

The CHAIRMAN. Go ahead.

Mr. BURKE. I want to ask you, Judge Burch, if, in your opinion, it would be feasible or desirable to authenticate this roll by congressional action—that is, by legislation to make it——

Mr. BURCH. You mean to make it conclusive?

Mr. BURKE. Yes.

Mr. BURCH. No, sir; I do not believe it is within the power of any force or authority officially to do so well as the court can do.

Mr. BURKE. You think, then, that for the rest of time each of these cases, as they may arise, ought to be determined in the State upon the law and the merits in each case?

Mr. BURCH. I do.

Mr. BURKE. I do not recall just what you said as to the contention regarding the Clapp amendment, as to how it would affect the Indians who were minors, at the time when they become adults, or Indians that might thereafter be born, if they happen to have anything.

Mr. BURCH. All this minor class—that is, those who were minors at the time of the passage of the act of 1906—by the act of 1907 could take their lands, if of mixed blood, under our construction of the act, after they reached their majority under that last act.

Mr. BURKE. Then, a child 5 years old at that time, when it became 18 years old, if it was a girl, could take its land?

Mr. BURCH. That is our construction under that last act, but not under the first act.

Mr. BURKE. But it is still your opinion that it would not be practicable now, by some legislation, to fix the status of the full-blood Indians so that there would be no question as to what they might do or might not do thereafter?

Mr. BURCH. Well, no; I do not say that. But I do say that I doubt if it could be done justly now. What I mean to say is that if you should arbitrarily legislate to adopt this Hinton roll and make it conclusive it would bind all parties, and whether they were of mixed blood or full blood, they would have to stay the way Hinton put them there. So it would be with any commission that Congress might create. I think we are prepared to say that Hinton had better facilities and took a better course than any commission could take in preparing this roll; and I think it will be generally conceded that Mr. Hinton——

Mr. BURKE. Well, it would have been entirely feasible to have made such a roll in advance of legislation if that legislation was to be enacted.

Mr. BURCH. The way this was made?

Mr. BURKE. Yes.

Mr. BURCH. If time had been given. It took a good of time. When he describes the way he got at these Indians and all that, I think you will say that it would take a great deal of time. But it could have been done, and that is what should have been done. By all means, that is what should have been done; because at least all of this litigation and trouble of that sort would have thus been avoided.

Mr. BURKE. That is all.

Mr. FERRIS. If I may ask a question, What per cent of these Chippewa Indians are English speaking? What per cent of them are able to speak the English language?

Mr. BURCH. You now have me at a disadvantage.

Mr. BURKE. He does not know anything about that.

Mr. BURCH. Maj. Howard can probably tell you.

Mr. FERRIS. All right; I will withdraw that question. One question more: Did you know what representations were made to Senator Clapp that induced him to bring about this amendment?

Mr. BURCH. Absolutely no.

Mr. FERRIS. You have no information?

Mr. BURCH. No information. I know a man by the name of Henry Burkett, from a place called Mahnomen, in Mahnomen County, was said to have been here, to use the popular phrase, lobbying—I might say promoting—the passage of the bill during that winter. I know that by hearsay. Beyond that I know nothing.

Mr. FERRIS. Is this in a remote part of the State from Senator Clapp's home?

Mr. BURCH. No; it is not in a remote part of the State anyhow.

Mr. FERRIS. Well, is it remote from Senator Clapp's home?

Mr. BURCH. I am frank to say I do not know—oh, he resides in St. Paul. No; it is just a few miles off the main line of the Northern Pacific Railroad between St. Paul and Fargo, the principal station in that distance being only about 12 miles, as I understand, to the south of the reservation. Another line of railroad runs directly through the reservation, called the "Soo" line, and it is the St. Paul and Winnipeg division of that line—that is, it would be a very leading line—that runs directly through the reservation; and the reservation lies approximately 210 miles, by either road, from St. Paul and Minneapolis.

Mr. FERRIS. Does he travel over that road in coming to and from Washington?

Mr. BURCH. No; just the opposite.

Mr. FERRIS. Then it is probable that he did not know the character of the people and the character of the land that this legislation was to affect?

Mr. BURCH. I have no knowledge about that.

Mr. FERRIS. That is all.

The CHAIRMAN. Do you know, Judge, whether the Senator's former home was in the neighborhood of this reservation or not?

Mr. BURCH. I have heard that the Senator many years ago practiced law at Fergus Falls, Minn., before he moved to St. Paul.

The CHAIRMAN. He was attorney general at one time, was he not?

Mr. BURCH. I have seen it stated that he was for two years attorney general, and that he moved to St. Paul from Fergus Falls, where he practiced law; and he was then, I have understood, the copartner of our present United States attorney.

The CHAIRMAN. Who is that?

Mr. BURCH. Charles C. Haupt, a most able gentleman, who has taken an active part in these proceedings. Fergus Falls, if you will allow me to add, lies 45 or 50 miles to the westward of this reservation—within about 50 miles of it. Across country, 100 miles or so, is the Great Northern road, leading from St. Paul to Fargo. No; it was in the vicinity, and in the same congressional district with Fergus Falls, as I understand.

The CHAIRMAN. You mentioned a Mr. Linnen who, as I understood you, accompanied Prof. Moorehead on the scientific trip that he made out there in the summer of 1909, did you not?

Mr. BURCH. Mr. Linnen—Mr. Linnen was an inspector of the Interior Department—an Indian inspector. When Prof. Moorehead came down here and set up his uproar of complaint he was appointed a special inspector to go back there, and Linnen was sent back there with him.

The CHAIRMAN. I just wanted to know how you associated their names. How long did they continue to work on that return trip?

Mr. BURCH. Well, from what I have understood they were engaged close on to three months. They traveled over the reservation. They had a retinue of stenographers, and they did a vast amount of work, but did not do it in quite that legal shape so that we could utilize it offhand.

The CHAIRMAN. Was it of some use to you in the preparation of your cases?

Mr. BURCH. Very much, as a guide.

The CHAIRMAN. Mr. Linnen, I assume, was a man of wide experience in Indian affairs?

Mr. BURCH. To my knowledge he has been at least eight or nine years in the service of that department. I have been much associated with him in the West.

The CHAIRMAN. At the suggestion of Miss Warren you spoke of the treaty of 1864 and of some scrip issued as a result of that treaty or in connection with it. I was not able to quite follow you and get the connection which that matter had with this, if any.

Mr. BURCH. There has been brought to my attention, and I tried to reconvey the fact, that by the treaty of 1864 it was provided that sundry mixed bloods, or certain mixed bloods, were to be allowed to receive what you would call a commutation, I suppose—that is, scrip—salable in the market for whatever claims they had upon the tribal fund or allotment of the reservation, and accepted it; that after they got it and had the benefits of it, as she complains, they immediately returned, particularly to this tribe, and have been active and potential in its affairs since that time. I suppose this refers to the Beaulieu and Fairbanks families and others.

The CHAIRMAN. I do not care particularly who they were. As I understand you, then, those who received that scrip and located on it, or utilized it, were thereby, as you understand it, cut off from all further interest in the White Earth Reservation?

Mr. BURCH. They relinquished all claims against the Government or the tribes with which they had been associated, as I understand it; but whether they had power to relinquish for their children, I do not know.

The CHAIRMAN. Do you know the title of that treaty?

Mr. BURCH. No; but we will furnish it before we get through. Mr. Hinton will give it to the reporter as coming from me.

The CHAIRMAN. Please do so, Mr. Hinton.

Mr. HINTON. The scrip matter is published in pamphlet form by the Government, and it is known as the Chippewa half-breed scrip, and it was article 7 of the treaty, which I think was of 1854, that was referred to. I think a copy of that can be procured for the information of the committee.

The CHAIRMAN. In talking about mixed blood, you have confined yourself entirely to the white, or Caucasian, race; and I suppose the

question of other races does not arise out there, does it? Is there any Ethiopian mixture or Asiatic or any other than white?

Mr. BURCH. I have heard of one, and I am informed of other cases of Ethiopian mixtures.

The CHAIRMAN. But when you speak of white blood, you mean of all blood other than Indian blood?

Mr. BURCH. Yes, sir.

The CHAIRMAN. Is there any adjudication showing the minimum of Indian blood which would be considered in law as mixed blood?

Mr. BURCH. We have not directly cases in point. We have some cases—I can not recall them at this moment—where that sort of adjudication has been made upon African or Ethiopian mixtures and cases of mixed white and Ethiopian blood that we think have some bearing upon the matter.

The CHAIRMAN. Of course, you get my thought. What I want to get at is whether the courts are willing to draw a line beyond which you may not go in tracing a person's mixed blood.

Mr. BURCH. We expect to settle the law on that point in this case; but, of course, I can not answer as to what the court will hold.

The CHAIRMAN. You have the figures to the extent of one one-hundred-and-twenty-eighth?

Mr. BURCH. Yes, sir.

The CHAIRMAN. So you at at least concede the line to be this side of that point, do you not?

Mr. BURCH. I do not catch the point of your question there.

The CHAIRMAN. By the making and the use of this roll, do you concede that a person who has one one-hundred-and-twenty-eighth part Indian blood in him ought in law to be declared a mixed blood?

Mr. BURCH. It is white blood—one one-hundred-and-twenty-eighth?

The CHAIRMAN. There is no question if it is only one one-hundred-and-twenty-eighth white blood, and one hundred and twenty-seven one-hundred-and-twenty-eighths Indian blood; he would certainly be a mixed blood. But is it not the case that where there is only one one-hundred-and-twenty-eighth of Indian blood in him, the doubt exists whether he be of mixed Indian blood or pure white?

Mr. BURCH. No, sir; I do not think that?

The CHAIRMAN. Well, have you any opinion about it?

Mr. BURCH. I think I have an opinion, but we do not understand each other. Perhaps I can make it clear from our standpoint. Our contention is, and we shall so contend if it becomes necessary in any of these cases, that a person who has less than one-half white blood is a full-blood Indian within the meaning of the law, and not a mixed blood.

The CHAIRMAN. In establishing his status as an Indian, would it not be safer and wiser to stick to the amount of Indian blood in him?

Mr. BURCH. That is what we have done.

The CHAIRMAN. Now state from that point of view what you understand about it.

Mr. BURCH. If a person has less than one-half Indian blood, and if there be a verging up toward the white line, we consider that a mixed blood. We consider that person a mixed blood, and we shall urge that that person shall be what is meant by a mixed blood. If they have more than one-half Indian blood and less than one-half

white blood and verging down toward the line of pure Indian blood, we consider that a full blood. That is, we shall urge that.

The CHAIRMAN. Where would you stop as you went down the line? Take a mixed-blood Indian, if he has more than one-half or if he has three-eighths?

Mr. BURCH. Of Indian blood or white blood?

The CHAIRMAN. Well, leaving the figures out of it, if he has less than one-half Indian blood he is a mixed blood. Now, then, he may have only one-fourth Indian blood, but he would still be a mixed blood. He might have only one-eighth Indian blood, but he would still be a mixed blood. When would you reach a line where you would declare him not to be Indian, but white?

Mr. BURCH. As long as there is any Indian blood in him, we would consider him Indian. We take four-fourths as the basis, and, of course, a pure-blood father and a mixed-blood mother, or vice versa, would have two-fourths in their progeny or children.

The CHAIRMAN. Perhaps it would be better not to attempt to illustrate it. I think we had better leave that out. Let me see, if I can, what your view is. If the record showed that a person had one sixty-fourth part of Indian blood, how would you classify him?

Mr. BURCH. That is further than we have gone.

The CHAIRMAN. Would that be mixed blood or a white person?

Mr. BURCH. He would be a mixed blood, according to our idea.

The CHAIRMAN. Well, for the sake of the argument, say he has one three-hundredth part Indian blood? Is there a line beyond which you would not go?

Mr. BURCH. According to our notions, not as long as there is any trace which can be established by evidence of the presence of Indian blood.

Mr. BURKE. I understand, Mr. Burch, in answer to a question that I propounded, to make the statement that if he found a trace of white blood, he considered him as a mixed Indian, and if he was an adult, he did not bring a suit in his behalf in any instance.

Mr. BURCH. No, sir.

Mr. BURKE. But you stated that in your brief, and that on the trial of the case you would maintain as a safeguard that one who was more than one-half Indian was a full-blood. What I want to know is what rule you have observed in bringing the suits?

Mr. BURCH. I have before stated that to you. We brought suit only where we believed that the evidence would show absolutely pure blood.

Mr. FERRIS. Then, if an Indian allottee has nine-sixteenths white blood and seven-sixteenths Indian blood, your contention, if driven to it, will be that he is a mixed-blood Indian. If he is seven-sixteenths Indian and nine-sixteenths white, your contention is that he is a mixed blood, and if he is nine-sixteenths Indian and seven-sixteenths white your contention is that he is a full-blood. Is that true?

The CHAIRMAN. His contention, as I understand it, is that in the trial of these suits, in order to establish a practical but arbitrary rule on this question, he urged that view, and it was on the same line that I thought—that is, that the matter was one to be fixed by arbitrary law. I thought perhaps he would also want to establish the minimum amount of Indian blood necessary to constitute a mixed blood.

Mr. BURCH. We have not thought of that, but if the committee——

The CHAIRMAN (interposing). The committee wants your views.

Mr. BURCH. I will tell you it has not occurred to us, but so long as anybody could trace any Indian blood in any individual we were disposed to concede that was mixed blood.

The CHAIRMAN. The courts recognize the principle that sometimes a right becomes so attenuated and so hard to prove that justice can be obtained better by cutting off the extremely attenuated right and fixing a line beyond which they will not go. That rule would seem to apply here, for the reason that when you get down to one one-hundred-and-twenty-eighth part of blood you are getting so far away from the ancestor as to make the proof extremely nebulous and doubtful, and injury and injustice is as likely to arise from following it as justice is.

Mr. BURCH. You have stated a proposition that we have anxiously considered, Mr. Chairman, and which we shall urge with the utmost force possible; that is, that when we go back beyond the memory, or the safe memory, of any person living to that degree of the law of pedigree, as laid down in the books, which allows the declaration of a deceased person to be testified to with respect to the pedigree of a previously deceased person as an exception to the rule for the admission of hearsay testimony, then we shall urge with all the force we have that you get so nebulous and so far away that the judicial mind can not safely rest upon the evidence offered, and that the court ought to now, in such circumstances where the patrimony or heritage of the person is involved, trust no evidence which, in the language of Justice Brewer, used in the case of canceling patents, is not clear, positive, and convincing.

The CHAIRMAN. It is but a restatement of the principle underlying all statutes of limitations.

Mr. BURCH. Yes, sir.

The CHAIRMAN. As to the character of this land, have you any knowledge whether this land is rich in minerals or whether it has any minerals on it?

Mr. BURCH. I have no knowledge but what is hearsay.

The CHAIRMAN. What sort of minerals have you heard about on the land?

Mr. BURCH. Iron.

The CHAIRMAN. Is it confined to a portion of the reservation or is it applicable to the whole reservation?

Mr. BURCH. The rumors I have heard have not been sufficiently definite for me to say anything about that. I have simply heard that people are sitting up and taking notice, who are interested in such matters, of the claim that there is an abundant supply of iron ore on this land.

The CHAIRMAN. Do you expect to produce some testimony on that point?

Mr. BURCH. We will produce whatever we can.

The CHAIRMAN. Do you know when it first became known that there was iron on this land?

Mr. BURCH. It first became known to me by rumor a short time ago—that is, three or four months ago, but how long the rumor had existed, I do not know.

Mr. GEORGE. Do you know whether or not the Geological Survey has made any examination of that land?

Mr. BURCH. No, sir; I do not. I have not heard. I have not thought to ask about that. I am quite familiar with them over there, but I have not looked up the Geological report on this property, if any has been made.

Mr. BURKE. Has there been any improper influence used to intimidate, or efforts, I would say, to influence and intimidate or coerce you or any of your force in the prosecution of your work on the White Earth Reservation, or upon the witnesses that you will have to rely upon to sustain your suits?

Mr. BURCH. Well, there has been considerable rumor.

Mr. BURKE. I do not care for rumor.

Mr. BURCH. Well, not influence——

Mr. BURKE (interposing). Has there been any influence or intimidation or coercion used?

Mr. BURCH. I do not know about the witnesses.

Mr. BURKE. Upon the witnesses or any of your force?

Mr. BURCH. Well, I have heard of such things.

Mr. BURKE. What have you heard?

Mr. BURCH. Well, I have heard that it was hinted to one of my immediate associates that he might have $25,000 of the fund that had been raised if he would resign.

Mr. BURKE. Who was that person?

Mr. BURCH. E. H. Long.

Mr. BURKE. Is there anything else?

Mr. BURCH. I do not attach much importance to it. I do not think seriously of it?

Mr. BURKE. Is there anything else?

Mr. BURCH. Well, I have heard a great deal of rumor about efforts made to commit witnesses, and all that sort of thing. In the first place, it has been brought to my attention, but only by hearsay, that it was being constantly stated around among the Indians that eventually this fund would be subdivided by provision of Congress, and that the amount—I think the minimum amount was $1,300 or $1,400 and the maximum amount $4,000, depending upon what was recovered—that Congress would pay it out to the Indians per capita, to each Indian respectively, that is, man, woman, and child, if they stood by the department—that is, to induce them to stand in allegiance to the department that would bring about that happy state of affairs. I have heard that men were constantly at work around these Indian witnesses, so called, procuring affidavits or alleged affidavits and picking up affidavits pretending to commit these Indians as to what they would swear to, without really understanding what the nature of the affidavits were. I have heard sundry matters of that kind.

Mr. BURKE. Do you know whether any Indians have been seen by those parties who may be interested to try to intimidate them into testifying, or as to what they might testify to, in view of affidavits they may have made when they transferred their land, and whether threats have been made that they might be prosecuted for perjury?

Mr. BURCH. I have heard that it has been repeatedly stated to Indians that if they testified in a manner other than they were alleged to have testified when they made the transfer of the land and in the supporting affidavits, they were liable to prosecution for perjury, and might be severely punished and dealt with.

Mr. BURKE. I ask you whether or not what you have stated is mere rumor, or whether or not it is from your official force—I believe you stated you have three secret-service men?

Mr. BURCH. They are not secret at all.

Mr. BURKE. Well, special-service men. I ask you whether or not any of these persons have reported these things to you, or whether it is mere hearsay?

Mr. BURCH. One of them has reported to me respecting this matter of the promise of the division of the tribal fund and I think one of them, perhaps the same one, has reported to me respecting the matter of the punishment if they testified otherwise than in the prior affidavit. I can not now recall whether I talked with the others or heard them talk about it. To tell you the honest truth about the matter, I never attached any very serious importance to these things, or any of them.

The CHAIRMAN. I do not ask you to give any names now, but is it your expectation to have witnesses before us who know of the rumors or the facts about which you have spoken, that is, as to who have made these threats and who have knowledge of them?

Mr. BURCH. Respecting this $25,000 affair, I took it to be the maudling mouthings, so to speak, of a drunken man, irresponsible at the time for what he said. I did not regard it seriously, nor do I think that the gentleman approached did. He promptly reported it to me. Regarding the other matters, I can bring the special agent here or present those who reported the facts to me.

The CHAIRMAN. If you know, you might tell us, without at this time mentioning the names, whether the persons who made the threats are defendants in any of the suits you have brought.

Mr. BURCH. Yes, sir; that is, those who made them or caused them to be made.

The CHAIRMAN. It seems to me that we would want to hear from these special agents.

Mr. BURKE. I was about to suggest that whoever is preparing this case for trial is probably keeping a line on the witnesses, and that they would in all probability have information that Judge Burch would not have.

The CHAIRMAN. The special agents are preparing evidence for you?

Mr. BURCH. To tell you the truth about it, the evidence was given originally in the form of affidavits, and we have since that time busied ourselves with finding out whether these Indians who made these affidavits were still of the opinion that they were correct and expected to stand by them.

The CHAIRMAN. Is it your intention to have Messrs. Moorehead and Linnen present?

Mr. BURCH. Oh, yes; I will be glad to have them here.

The CHAIRMAN. From what was stated in your presence this morning I think it is safe to say that it is the object of the committee to give all sides a reasonably full hearing, and you are on notice now to make your side of it as strong as you can.

Mr. BURCH. I hope I shall not fall asleep and remain so.

(Thereupon, at 4.30 o'clock p. m., the committee adjourned to meet to-morrow, Friday, July 28, 1911, at 10.30 o'clock a. m.)

VHITE EARTH RESERVATION

No. 3

HEARINGS

BEFORE THE

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JULY 28, 1911

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman.*

SCOTT FERRIS, Oklahoma.
HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Friday, July 28, 1911.

The committee met at 10.30 o'clock a. m., Hon. James M. Graham (chairman) presiding.

The following members of the committee were present: Messrs. Ferris, Hensley, and Burke.

There were also present: Thomas Sloan, attorney at law, and Mrs. Helen P. Gray.

The CHAIRMAN. Are you ready to proceed, Judge Burch?

STATEMENT OF MR. M. C. BURCH—Continued.

Mr. BURCH. Mr. Chairman, I now have in my hand and desire to cite for the purposes of the committee—I understand the book is very rare, but this is from the Indian Bureau—a book entitled on the back, "Halfbreed Scrip Chippewas of Lake Superior." It was printed in the Government Printing Office in 1874, and includes the report of a commission appointed by the Secretary of the Interior April 21, 1871, composed of Henry S. Neal, Selden N. Clark, Edward P. Smith, and R. F. Crowell, and a report of a commission appointed July 15, 1872, composed of Thomas C. Jones, Edward P. Smith, and Dana E. King. This matter may become very important, possibly, to the committee further on, and I want you to have a reference to it. I am sorry that I can not offer the committee the book itself, but I understand it is very rare, and I suppose the committee would probably have to call for it.

The CHAIRMAN. Is there any particular passage, or any particular passages in it, that you think ought to go into our record—that is, passages of reasonable length?

Mr. BURCH. Not at this moment, but later, when I have had a chance to examine it, I think there may be. The point involved in this, Mr. Chairman, is the claim that quite a large number of those who now claim to be members of the White Earth Band of Chippewa Indians should, by the contents of this book, or could, in part, by the contents of this book, be shown to be not entitled to those rights and privileges.

Mr. Chairman, I now desire to give you, so that it may be read into the record, a list of the names of the parties whom I think should be notified to appear here as, for instance, adversaries of the attitude that I take before the committee, and I trust that in such notification, if the committee sees fit to give it to them, copies of all

that I have said, or all that may have been done here, may be furnished them so that they may have opportunity, until such time as the committee adjourns to, to consider fully what has been said. However, that is only a suggestion.

The CHAIRMAN. The Chair will say to you, Judge Burch, that reports of the hearings in this matter, so far as printed, have been sent to everyone who has expressed an interest in the hearings, and that course will be followed.

Mr. BURCH. You have not had the names of these persons.

The CHAIRMAN. We will ask you to read those so that the committee may hear them, and the reporter can get them later.

Mr. BURCH. The first is Clement H. Beaulieu.

The CHAIRMAN. Is that the clergyman?

Mr. BURCH. Yes; that is the clergyman.

The CHAIRMAN. Kindly give the addresses.

Mr. BURKE. You can furnish the list to the reporter.

(Mr. Burch thereupon read the list of names above referred to, as follows:)

Clement H. Beaulieu, W. C. Bickle, Charles Mee, William Potter, Julius Brown, White Earth, Minn.; S. E. Mooers, H. R. Melrose, E. G. Holmes, A. C. Knudson, Fred Sanders, P. S. Converse, John Bakke, Detroit, Minn.; Henry Birkett, John Carl, A. L. Thompson, Mahnomen, Minn.; John Rabbit, Ponsford, Minn.; James Nichols, Frazee, Minn.; Simon Michelet, Minneapolis, Minn.

Mr. BURCH. I now desire to call——

Mr. BURKE. Judge, before you call witnesses I want to ask you if you are prepared with witnesses who will tell us the methods that were employed by persons who purchased lands from these Indians; the consideration paid, comparing it with what would be an adequate consideration; whether or not much of the land was purchased by one company, syndicate, or corporation; and when the larger part of the land was so purchased? Now, I ask that because we ought to have that information, and if you have somebody who can give it to us, who was there at the time, it would be better than to have it from you, as it would be mere hearsay.

The CHAIRMAN. Let me add there to Mr. Burke's suggestion: Whether any of the land reached corporations or syndicates, and whether they were the immediate grantees, or whether it finally reached them by mesne conveyances, if you know?

Mr. BURCH. Replying, I say that in my opinion proper answers to the compound question or composite question that has been asked would require a long time in preparation—probably two or three days, anyhow—and I have not the best-informed witnesses here to do it now, nor could I, probably, procure them within some days.

The CHAIRMAN. As I understand it, Judge, that was not a part of your conception of the case. The theory on which you filed your bill, as you stated yesterday, was that the title to this land is in the United States; that certain actions of other parties, certain alleged conveyances, constitute a cloud on the title; and that from your point of view the question of the consideration paid is not, legally speaking, of the slightest consequence.

Mr. BURCH. No; you are correct, Mr. Chairman; but I am exceedingly anxious that this committee, having put its hand to the plow, should, so far as the time and patience of the committee permit, make a clean-up of the whole subject. I think it might possibly be beneficial in other cases, although that I do not know.

Now, I have here a list of the cases reported to our department, the Department of Justice, by one of my associates, showing the state of each, so far as the cases were filed up to about three or four weeks ago. The committee might glance over it if they have any interest in doing that. We have here an abstract, for instance, which is practically a copy of all the abstracts that have been taken; and we have the affidavits of Linnen and Moorehead, but they are so voluminous and cover so many hundreds of cases each that unless the committee has an infinitude of patience and a large amount of time I do not see how it can go into it.

The CHAIRMAN. Do you refer to abstracts of title or abstracts of pleadings and other work done?

Mr. HINTON. We have abstracts of title.

Mr. BURCH. We have abstracts of title only; but so far as giving you a comprehensive answer to the question of Representative Burke, as amended by the Chair, is concerned, I do not think it would be possible now, offhand.

Mr. BURKE. Without going into each case, would it be very difficult, for instance, to ascertain from your files whether or not quite a considerable number of tracts of land were conveyed to the same individuals, and, perhaps, by that particular individual to a certain company? For instance, suppose there were 50 or 100 such cases. It would suggest that there were parties making a business of acquiring title to these lands who might be in the employ of some company or corporation to whom they subsequently conveyed the land, and my question was for the purpose of getting some idea about the matter. We do not expect to go into these 1,100 cases and find out exactly what the facts are in each case. For instance, here is a suit, I notice, entitled United States *v.* Nichols-Chisholm Lumber Co. It would not be very difficult, perhaps, to give this committee information as to about how many cases that company is interested in, for instance. They may be only interested in that one. I do not know.

Mr. BURCH. I will say this. There was no hard and fast rule for carrying on these operations. Apparently the parties practically treated each case according to the circumstances as they arose—I mean the parties involved in obtaining these transfers—but mainly by mesne conveyance from the first grantor of the allottee. Large numbers of these lands were conveyed either as to the realty at large—that is, all of the realty—or by timber deeds, as to the timber, to certain large acquirers of the land, of which the Nichols-Chisholm Lumber Co. was one of the principal parties. And I have given you here the name of Mr. Nichols, of that firm, with the suggestion that you invite him to come here.

The CHAIRMAN. I would like to ask you a question just there, Judge, if you please. Did this lumber company, the Nichols-Chisholm Lumber Co., buy the land or merely the timber on it?

Mr. BURCH. Both; in different ways. What I mean is that they did differently in different instances.

The CHAIRMAN. I have in my hand a number of the Tomahawk, published at White Earth, February 24, 1910, and in advertisers' style, I read:

Highest prices for pine timber. Nichols-Chisholm Lumber Co. pay the highest prices for pine timber on allotments. For full information call on or write Gus H. Beaulieu, White Earth, Minn.

That advertisement would appear to call only for the timber on the land. Now, would that require any conveyance which would be a matter of record?

Mr. BURCH. They take the timber, in many instances, and they take deeds of the entire realty—that is, the timber and the land together—in others, by mesne conveyance mainly. I do not think that many of these people who are now holders of the land were the first grantees—that is, purported grantees, I should say—from the allottees. I can not hope to give you more than generalities, subject to correction, in reply to your questions now. For instance, in the files of our cases—eleven hundred of them—there is a filing case in the Minneapolis office like half of one of those [indicating bookcase in committee room], with pigeonholes full of these equity cases.

The CHAIRMAN. When you say "like half of one of those, you refer to this bookcase [indicating]?

Mr. BURCH. Yes; this bookcase in the committee room.

The CHAIRMAN. Which is probably 5 feet high by 8 feet wide?

Mr. BURCH. Yes; and I can show you samples of the files here, as far as they have gone. Now, we have a duplicate. We have taken great precaution in that respect. We have another duplicate of these—because in running out one case we can have three carbon copies of every sheet—in the Detroit, Minn., office, so that if fire or anything else should destroy one copy we would not be obliged to go to the record and copy it again. Then, of course, the originals of the bills of complaint themselves are filed at Fergus Falls, Minn., in the clerk's office. That is the court town for the sixth division of the United States District of Minnesota, in which these cases are brought. Now, it will be seen that this is a very voluminous question to reply to, but I will say that I think in a large number of the instances the agricultural lands have found their way into the hands of dealers in agricultural land—persons who would sell to farmers or persons seeking homes instead of large holdings, expecting to keep them for sale, I suppose, again. In fact, I guess they are advertising them constantly. But the timber that went to the companies engaged actively in cutting mainly went to the Nichols-Chisholm Lumber Co., the Park Rapids Lumber Co., and the Wild Rice Lumber Co., all of that vicinity, and all having mills comparatively near the reservation.

While I have not, from advice, asked representatives of two of these companies to come, I have given you the name of Mr. Nichols, of the Nichols-Chisholm Lumber Co. Some of these other parties I have given you I think represent large holdings of the agricultural lands, possibly with some timber intermingled.

Now, I can not give you, even approximately, the number of cases of each one.

Will that answer the question satisfactorily for the present?

The CHAIRMAN. Those facts will develop, Judge, as we go along. Will you inform the committee what you are prepared to show this morning?

Mr. BURCH. Yes. I would like to take up this morning, if the committee thinks it wise, either the testimony of these young girls, or put Mr. Hinton upon the stand with reference to the roll.

The CHAIRMAN. Have you any preference?

Mr. BURCH. No; none at all.

The CHAIRMAN. You may proceed.

Mr. BURCH. I suppose the chairman administers oaths?

The CHAIRMAN. Yes, sir.

Mr. BURCH. Will you administer to Miss Margaret Warren, the interpreter, the oath as interpreter?

Miss Margaret Warren was duly sworn by the chairman, as interpreter.

STATEMENT OF MISS CATHERINE GOODMAN.

(The witness was duly sworn by the chairman, the nature of the oath being carefully explained to her by the chairman, through the interpreter; and the following testimony was given through the interpreter, Miss Margaret Warren.)

Mr. BURCH. State your name—both Indian and English, if you have an English name.

Miss GOODMAN. Catherine Goodman is my English name.

Mr. BURCH. What is your Indian name?

Miss GOODMAN. Kah-deen.

Mr. BURCH. How old are you?

Miss GOODMAN. Seventeen.

Mr. BURCH. What is your father's name and your mother's name?

Miss GOODMAN. My father's name is John Goodman. Margaret Goodman is my mother's name.

Mr. BURCH. I will not bother the committee with the Indian names, as it is not necessary, I think.

Where do you live?

Miss GOODMAN. At Twin Lakes.

Mr. BURCH. Is that on the White Earth Reservation?

Miss GOODMAN. Yes.

Mr. BURCH. Did you have an allotment of land?

Miss GOODMAN. Yes.

Mr. BURCH. Did you have two pieces of land, one first and then one afterwards? Did you have a piece of land given you?

Miss GOODMAN. Yes.

Mr. BURCH. Did you have another one given you later?

Miss GOODMAN. I do not know.

Mr. BURCH. Did you sell your land?

Miss GOODMAN. Yes.

Mr. BURCH. Whom did you sell it to?

Miss GOODMAN. Some one at Waubun, whose name I do not know.

Mr. BURCH. Do you remember the color of his hair? Was it white or red or black?

Miss GOODMAN. His hair was almost white.

Mr. BURCH. How many men were there when you sold it?

Miss GOODMAN. My father, my mother, and an interpreter, and two men at the bank.

Mr. BURCH. Did one of the men at the bank have red hair?

Miss GOODMAN. No; their hair was the same color.

Miss WARREN. She means "light." The Indian says "white" for "light" or "light" for "white."

Mr. BURCH. Neither of the men had red hair, then?

Miss GOODMAN. The man who wanted to buy my land first had red hair.

Mr. BURCH. How much did you get for the land?
Miss GOODMAN. $200.
Mr. BURCH. Who got the money?
Miss GOODMAN. I had the money.
Mr. BURCH. Where was it paid to you?
Miss GOODMAN. At Waubun.
Mr. BURCH. Was it in the bank?
Miss GOODMAN. Yes.
Mr. BURCH. Which man paid it to you?
Miss GOODMAN. The man that bought the land. He was the tallest one in the bank.
Mr. BURCH. What did they say to you about it at the time?
Miss GOODMAN. What, in particular?
Mr. BURCH. Did they ask you how old you were?
Miss GOODMAN. Yes; they asked me how old I was.
Mr. BURCH. What did you tell them?
Miss GOODMAN. I told them I was 15.
Mr. BURCH. Were you 15 then?
Miss GOODMAN. Yes; that was my age.
Mr. BURCH. Did they read any paper to you?
Miss GOODMAN. No.
Mr. BURCH. Did they swear you to any paper? That is, did they make you take an oath to any paper?
Miss GOODMAN. No.
Mr. BURCH. Did they make your father and mother take an oath to any paper, and sign it?
Miss GOODMAN. No.
Mr. BURCH. Did you sign any paper?
Miss GOODMAN. Yes.
Mr. BURCH. Did you understand what it was?
Miss GOODMAN. Yes.
Mr. BURCH. What did you understand it to be?
Miss WARREN. She wants to know just what you want to know from her.
Mr. BURCH. Well, I will put it direct then. Did you understand it to be a paper giving the land—conveying or giving land, deeding the land, to this man who paid the money?
Miss GOODMAN. Yes.
Mr. BURCH. Was anything said by your father and mother so that you know they understood the same thing?
Miss GOODMAN. I do not know.
Mr. BURCH. About what time of the month, if you can tell, or about what season of the year was it?
Miss GOODMAN. It was in the fall or late in the summer, I think.
Mr. BURCH. There was no snow then?
Miss GOODMAN. No.
Mr. BURCH. Were the leaves off the trees, or on?
Miss WARREN. She says she does not know; she thinks not.
The CHAIRMAN. "She thinks not"? That would not mean anything. Were they off or on? They must have been either off or on.
Miss WARREN. That they were on.
The CHAIRMAN. Just ask her again, please, for certainty.
Miss WARREN (after questioning Miss Goodman). She thinks that the leaves were on.

Mr. BURCH. How many snows have there been since then?
Miss GOODMAN. Two, I think.
Mr. BURCH. Did you have any other land to sell, and have you ›ld it?
Miss GOODMAN. No.
Mr. BURCH. Was there any timber on the land—any trees?
Miss GOODMAN. I sold the land.
Mr. BURCH. Did you ever see the land itself?
Miss GOODMAN. No.
Mr. BURCH. Have you heard whether there was timber on the ınd or not?
Miss GOODMAN. It was prairie land I sold.
Mr. BURCH. I do not think of any other questions.
Mr. FERRIS. How many acres did you sell?
Miss GOODMAN. I do not know, but it was one piece of land con-sting of 80 acres.
Mr. FERRIS. That you sold for $200?
Miss GOODMAN. Yes, sir.
Mr. FERRIS. Did your parents get any money in addition to the ›00 received by you?
Miss GOODMAN. No.
Mr. FERRIS. Are you sure about that?
Miss GOODMAN. I only got $200.
Mr. FERRIS. Did you hear all of the conversation between your ırents and the man that bought the land?
Miss GOODMAN. Yes.
Mr. FERRIS. Did either of them state to the purchaser that you 'ere more than 18 years of age?
Miss GOODMAN. I do not know.
Mr. FERRIS. Did they state to the purchaser what your real age 'as, in your hearing?
Miss GOODMAN. I did not hear them.
Mr. FERRIS. Did you, at that time, know your true age?
Miss GOODMAN. No.
Mr. FERRIS. At that time you did not know?
Miss GOODMAN. No.
Mr. FERRIS. Who first told you you were 15 years of age at the me when you made this deed?
Miss GOODMAN. My mother.
Mr. FERRIS. When?
Miss GOODMAN. This summer.
Mr. FERRIS. Do you know anything about the character of the ınd you sold at all?
Miss GOODMAN. It was prairie land.
Mr. FERRIS. No timber?
Miss GOODMAN. No.
Mr. FERRIS. Who first talked to you about selling the land?
Miss GOODMAN. My father.
Mr. FERRIS. What did he say about this land sale?
Miss GOODMAN. He told me to let go of my land if anyone asked › buy it.
Mr. FERRIS. He advised you to sell it?
Miss GOODMAN. Yes.

Mr. FERRIS. Was the business deal or the business of selling the land made between your father and this tall man with the gray hair that you refer to?

Miss GOODMAN. I do not know.

Mr. FERRIS. Are you able to sign your name?

Miss GOODMAN. Which name? I have two.

Mr. FERRIS. Which did you sign to the deed?

Miss GOODMAN. I never signed the deed.

Mr. BURKE. She probably made her mark.

Mr. FERRIS. What did you do to the paper that they made out the day you sold your land and got the $200?

Miss GOODMAN. I touched the pen.

Mr. FERRIS. Who held the pen?

Miss GOODMAN. The tall man.

Mr. FERRIS. Can your father or mother write and read English?

Miss GOODMAN. Only my father; but not very much.

Mr. FERRIS. Have you ever attended school?

Miss GOODMAN. Yes.

Mr. FERRIS. Had you ever attended school prior to the time you sold your land?

Miss GOODMAN. Just one year.

Mr. FERRIS. Did the tall man or anyone else read the deed over to you?

Miss GOODMAN. I do not know.

Mr. FERRIS. Did they explain to you what it was?

Miss GOODMAN. I do not know.

Mr. FERRIS. Did you hold up your hand and acknowledge it before some officer, as you did awhile ago before Judge Graham?

Miss GOODMAN. No.

Mr. FERRIS. Are your father and mother full-blood Indians or part white?

Miss GOODMAN. My father, I think, is a full-blood, and my mother a mixed-blood.

Mr. FERRIS. How much white blood, if you know?

Miss GOODMAN. I do not know.

Mr. FERRIS. Does she show the white blood in her face? Is her skin white colored?

Miss GOODMAN. I do not know.

Mr. FERRIS. What did you do with the $200 that you received that day for your land?

Miss GOODMAN. I paid $2 each trip to Waubun and back for a hired team.

Mr. FERRIS. What did you do with the rest of your money?

Miss GOODMAN. I bought a sewing machine and a bed and some provisions and clothing.

Mr. FERRIS. Did that take all of the $200, or did you give the rest of it to your parents?

Miss GOODMAN. I gave them some money for clothing.

Mr. FERRIS. You gave your parents some money for clothing?

Miss GOODMAN. Yes.

Mr. FERRIS. Have you any of the money left now?

Miss GOODMAN. I did not take all of the money out of the bank.

Mr. FERRIS. Is some of it in the bank now?

Miss GOODMAN. Yes; that is what my father tells me.

Mr. FERRIS. Your father tells you that there is some of it in the bank yet?

Miss GOODMAN. Yes; my father tells me that, and I also know that I did not take all of the money.

Mr. FERRIS. How much is remaining there?

Miss GOODMAN. I do not know.

Mr. FERRIS. How far do you live from the agency?

Miss GOODMAN. I do not know.

Mr. FERRIS. Did you ever talk to any of the agency force about the sale of your land; and if so, to whom?

Miss GOODMAN. I came with a man called Che-bead-ainee and the land buyer who bought the land.

Mr. FERRIS. Was that man an Indian?

Miss WARREN. She does not know Che-bead-ainee's blood.

Mr. FERRIS. Do you know it?

Miss WARREN. Yes.

Mr. FERRIS. Is he an Indian?

Miss WARREN. He is a mixed blood.

Mr. FERRIS. Who rode with you in that livery team?

Miss GOODMAN. I came to the agency with them, and they told them that I was dead.

Mr. FERRIS. Who told them?

Miss GOODMAN. Che-bead-ainee and the land buyer. When I gave my name as Kah-deen they did not believe me, and said Kah-deen was dead.

Mr. FERRIS. The land buyer and this mixed blood Indian said that?

Miss GOODMAN. The banker said that.

Mr. FERRIS. The banker said you were dead?

Miss GOODMAN. Yes.

Mr. BURCH. The White Earth Banker or the Waubun banker? Excuse me for asking.

Mr. FERRIS. That is all right. I am glad to have you ask it.

Miss GOODMAN. The one at Waubun.

Mr. FERRIS. What kind of a looking man was he?

Miss GOODMAN. He is the one I spoke of as buying my land.

Mr. FERRIS. The tall man with the gray hair?

Miss GOODMAN. He is tall and has light hair, and wears specs.

Mr. BURCH. Gentlemen, just a moment. Maj. Howard suggests something that I would like to clear up.

(After an informal discussion:)

The CHAIRMAN. We have another matter that requires our attention; and after we have disposed of it we will take a recess until 2.30 o'clock, under the same conditions as on yesterday. If the House is not sitting we will sit, but if the House is sitting we can not. When we take our recess it will be until that hour.

(The committee, thereupon at 11.40 o'clock a. m., went into executive session, and subsequently took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

STATEMENT OF MISS CATHERINE GOODMAN—Continued.

Mr. FERRIS. Who went to Waubun with you when you went to sell your land?

Miss GOODMAN. My mother and father.

Mr. FERRIS. Did anyone else come out there that morning and go in, either with you or ahead of you or behind you?

Miss GOODMAN. When we went to the bank Che-bead-aince, whose English name is Andrew Vanoss, joined us.

Mr. FERRIS. Was he the first person you saw after reaching town that day?

Miss GOODMAN. We first went to Waller's bank, and he sent us over to the other bank, where I sold my land, accompanied by this Che-bead-aince, the interpreter.

Mr. FERRIS. Did you know what you were going to town for that morning?

Miss GOODMAN. To sell my land.

Mr. FERRIS. Who told you that is what you were going for?

Miss GOODMAN. My mother.

Mr. FERRIS. Had you known prior to that time that you were going to sell your land?

Miss GOODMAN. Not until I got to town.

Mr. FERRIS. But a moment ago you said that your mother had said what you were going to town for; that is, before you started.

Miss GOODMAN. I knew I was going to town to sell the land, but I did not know I could sell it until I saw the banker.

Mr. FERRIS. Have you seen the banker since that time?

Miss GOODMAN. No, sir.

Mr. FERRIS. Would you know him if you were to see him now?

Miss GOODMAN. I do not know.

Mr. FERRIS. Would you know this mixed-breed Indian if you were to see him now?

Miss GOODMAN. Yes, sir.

Mr. FERRIS. Have you seen him since that time?

Miss GOODMAN. Yes, sir; I saw him last summer.

Mr. FERRIS. Did he talk to you about the land matter?

Miss GOODMAN. No, sir.

Mr. FERRIS. What efforts are your father and mother making to recover this land for you, if any?

Miss GOODMAN. I do not know.

Mr. FERRIS. Who arranged for you to come down here?

Miss GOODMAN. I do not know.

Mr. FERRIS. Does your father and mother know you are down here?

Miss GOODMAN. Yes, sir; and they told me to come.

Mr. FERRIS. Did they know what you were to do down here?

Miss GOODMAN. Yes, sir.

Mr. FERRIS. Do they understand the proceeding that is going on here?

Miss GOODMAN. I do not know.

Mr. FERRIS. Are you connected with the agency in any way now, either as an employee or otherwise?

Miss GOODMAN. No, sir.

Mr. BURKE. When did you first learn that you had any land?
Miss GOODMAN. When I went to sell my land.
Mr. BURKE. And you did not know until that time that you had any land?
Miss GOODMAN. I knew before that I had the land, but can not tell how I knew it.
Mr. BURKE. How much land did you understand you had?
Miss GOODMAN. I do not know.
Mr. BURKE. You simply knew that you had the land?
Miss GOODMAN. Yes, sir.
Mr. BURKE. Who first spoke to you about selling it?
Miss GOODMAN. My parents.
Mr. BURKE. And was that the day you went into the town and went to the bank?
Miss GOODMAN. The day before I sold my land.
Mr. BURKE. What happened the day before?
Miss GOODMAN. I do not understand.
Mr. BURKE. You said that the day before you went to town you heard something about this matter. Who talked to you about it?
Miss GOODMAN. My parents advised me to sell my land if anyone asked me for it.
Mr. BURKE. Was that the day you went to town?
Miss GOODMAN. I do not know.
Mr. BURKE. Did somebody come out to your home and talk with you about wanting to buy your land and offering to pay you some money if you would sign a deed?
Miss GOODMAN. Mr. Waller came to my home.
Mr. BURKE. What time did he come to your home with reference to the date you went to town and the day you went to the bank?
Miss GOODMAN. I do not know.
Mr. BURKE. Did Mr. Waller offer to pay you some money for your land?
Miss GOODMAN. Yes, sir; but only $100.
Mr. BURKE. He wanted to buy your land for $100?
Miss GOODMAN. Yes, sir; and I would not let it go for that.
Mr. BURKE. Did he ask you to come into town and see him there?
Miss GOODMAN. Yes, sir; and we went.
Mr. BURKE. When you went to town you went to Mr. Waller's bank, did you not?
Miss GOODMAN. Yes, sir.
Mr. BURKE. And after you talked with Mr. Waller you went over to the other bank?
Miss GOODMAN. Yes, sir.
Mr. BURKE. And in the talk that was had in Mr. Waller's bank you did not say anything, did you, and the talk was by your father with Mr. Waller?
Miss GOODMAN. I did not say anything.
Mr. BURKE. Your father talked with Mr. Waller, did he not?
Miss GOODMAN. I do not know.
Mr. BURKE. When you went over to the other bank, did you do any talking there with anybody?
Miss GOODMAN. No, sir.
Mr. BURKE. Did your father talk with somebody there?
Miss GOODMAN. Yes, sir.

Mr. BURKE. Was the talk in English or Indian between your father and whoever he talked with?

Miss GOODMAN. It was interpreted to him.

Mr. BURKE. Who was the interpreter?

Miss GOODMAN. Che-bead-aince.

Mr. BURKE. Had Che-bead-aince been out to your home to see about this matter?

Miss GOODMAN. He just came to visit us.

Mr. BURKE. Did he talk about selling your land when he was visiting there?

Miss GOODMAN. No, sir.

Mr. BURKE. How long were you in the bank when you went there and sold your land?

Miss GOODMAN. I do not know.

Mr. BURKE. Were you in the bank more than once?

Miss GOODMAN. I do not know.

Mr. BURKE. After you touched the pen, was any money handed to you?

Miss GOODMAN. After they got through talking, they gave me money.

Mr. BURKE. How much money did they give you?

Miss GOODMAN. I do not know how much.

Mr. BURKE. Was it $100?

Miss GOODMAN. I do not remember.

Mr. BURKE. You paid $2 for a livery to go to town, is that right?

Miss GOODMAN. Yes, sir.

Mr. BURKE. And $2 to come back?

Miss GOODMAN. Yes, sir.

Mr. BURKE. Did you have any more money than that handed to you?

Miss GOODMAN. Yes, sir.

Mr. BURKE. About how much more?

Miss GOODMAN. I do not know, I can not tell.

Mr. BURKE. You left some of the money in the bank?

Miss GOODMAN. Yes, sir.

Mr. BURKE. Have you ever gotten any money from the bank since that time?

Miss GOODMAN. No, sir; I went to school.

Mr. BURKE. And you have not been paid any money since the day you signed the deed?

Miss GOODMAN. No, sir; I went back to the bank, but I do not know how many times.

Mr. BURKE. And asked them for money?

Miss GOODMAN. Yes, sir.

Mr. BURKE. Did they give you any money?

Miss GOODMAN. Yes, sir.

Mr. BURKE. How much?

Miss GOODMAN. Sometimes they give me $15 and $25 and $40.

Mr. BURKE. Did you sign a piece of paper or a check in order to get the money?

Miss GOODMAN. Yes, sir.

Mr. BURKE. When you left the money in the bank, did they give you any paper to show that you had the money in the bank?

Miss GOODMAN. No, sir.

Mr. BURKE. At the time you say you got $15 and $25 and $40 from the bank, was there somebody with you when you went there?

Miss GOODMAN. My parents were with me.

Mr. BURKE. When you got this money, did you give it to your father or your mother?

Miss GOODMAN. No, sir; I took care of it myself.

Mr. BURKE. Who asked you to come to Washington?

Miss GOODMAN. My mother.

Mr. BURKE. What did she say to you?

Miss GOODMAN. My mother told me that some one had come for me to come here, and advised me to come to try and get my land back.

Mr. BURKE. Did anybody see you or tell you you ought not to come to Washington?

Miss GOODMAN. No, sir.

Mr. BURKE. Do you know when you were born?

Miss GOODMAN. No, sir.

Mr. BURKE. Do you know what day in the year is your birthday?

Miss GOODMAN. No, sir.

Mr. BURKE. How old are you now?

Miss GOODMAN. Seventeen years old.

Mr. BURKE. How do you know you are 17 years old?

Miss GOODMAN. My father told me.

Mr. BURKE. When did he tell you that?

Miss GOODMAN. Before I left to come here.

Mr. BURKE. Did you at any time before that know how old you were?

Miss GOODMAN. Yes, sir.

Mr. BURKE. When was that?

Miss GOODMAN. Since last winter.

Mr. BURKE. Did you know before that?

Miss GOODMAN. Yes, sir.

Mr. BURKE. When was that?

Miss GOODMAN. The winter before the last.

Mr. BURKE. Did anyone tell you that you were 18 about the time you sold your land?

Miss GOODMAN. No, sir; I do not know.

Mr. BURKE. They did not say anything about your age at that time?

Miss GOODMAN. No, sir.

Mr. BURKE. Did anybody ask you in the bank how old you were?

Miss GOODMAN. Yes, sir.

Mr. BURKE. Who did?

Miss GOODMAN. The buyer.

Mr. BURKE. What did you say?

Miss GOODMAN. I told him I was 15 years old.

Mr. BURKE. You said that to the man who bought your land?

Miss GOODMAN. I did not speak to the buyer; my mother did.

Mr. BURKE. Did not your father say you were 18 years old?

Miss GOODMAN. I do not know.

Mr. BURKE. Did you touch the pen more than once?

Miss GOODMAN. I do not know.

The CHAIRMAN. Do you live with your father and mother now?

Miss GOODMAN. Yes, sir.

The CHAIRMAN. Have you ever lived anywhere except with your father and mother?

Miss GOODMAN. I sometimes stay with my grandmother—that is, my mother's mother.

The CHAIRMAN. How much of the time?

Miss GOODMAN. Sometimes three and four days.

The CHAIRMAN. Were you ever away from your father and mother's home at school?

Miss GOODMAN. Yes, sir.

The CHAIRMAN. For how long?

Miss GOODMAN. I do not know.

The CHAIRMAN. For how many winters?

Miss GOODMAN. I left them one year at the time.

The CHAIRMAN. How many times did you leave them that way?

Miss GOODMAN. For three winters.

The CHAIRMAN. How far away from their home were you then?

Miss GOODMAN. I was at the White Earth and Beaulieu schools.

The CHAIRMAN. Are these agency schools?

Miss GOODMAN. I do not know.

The CHAIRMAN. Can you read English?

Miss GOODMAN. A little.

The CHAIRMAN. What reader were you in at school?

Miss GOODMAN. In the third reader.

The CHAIRMAN. Can you write your name?

Miss GOODMAN. I can write my English name.

The CHAIRMAN. Why did you not write your name at the time you were at the bank and put your hand to the pen?

Miss GOODMAN. I could not write then.

The CHAIRMAN. When this mixed blood, Che-bead-aince, was at your home, did he talk with your father and mother when you were not present?

Miss GOODMAN. No, sir.

The CHAIRMAN. Were you there all the time he was with them?

Miss GOODMAN. Yes, sir; I was there. He came about three times.

The CHAIRMAN. On these three times that he came there, did you hear everything he said to your father and mother?

Miss GOODMAN. No, sir.

The CHAIRMAN. How many times did he talk with your father and mother when you did not hear what was said?

Miss GOODMAN. I do not know how many times.

The CHAIRMAN. Did you know any other girls who had sold their allotments of land?

Miss GOODMAN. No.

The CHAIRMAN. Did you and any of your girl friends talk about selling your land before you did sell it?

Miss GOODMAN. No.

The CHAIRMAN. When you were at the bank and got the money for the land, to whom did the man hand the money?

Miss GOODMAN. It was handed to my father, and my father gave it to me.

The CHAIRMAN (handing to Miss Goodman a $5 bill). How much money is that?

Miss GOODMAN. Five dollars.

The CHAIRMAN. What is the difference between that money and this money [handing Miss Goodman a $1 bill]?

Miss GOODMAN. This one is a dollar.

The CHAIRMAN. What is the difference between the two bills?

Miss GOODMAN. Here is the figure "1."

The CHAIRMAN. How many dollars difference is there between this one [indicating] and this one [indicating]? What is the difference in the value of them?

Miss GOODMAN. Eleven dollars.

The CHAIRMAN. Who told you to buy the sewing machine that you bought?

Miss GOODMAN. My mother.

The CHAIRMAN. What did you pay for it?

Miss GOODMAN. Four dollars and a half.

The CHAIRMAN. How much?

Miss GOODMAN. Four dollars and a half.

The CHAIRMAN. Who handed the money to the man who sold you the machine?

Miss GOODMAN. I did not buy it of a man. I bought it of a woman that lived near us.

The CHAIRMAN. It was a second-hand machine, was it?

Miss GOODMAN. It was not very much used. It was quite new.

The CHAIRMAN. What did you pay for the bed?

Miss GOODMAN. I do not know.

The CHAIRMAN. Who bought it?

Miss GOODMAN. I bought the bed.

The CHAIRMAN. Where did you buy it? In town or from some neighbor?

Miss GOODMAN. Where I bought the sewing machine.

The CHAIRMAN. Was the bed new?

Miss GOODMAN. No; not very.

The CHAIRMAN. When Waller offered you the $100 for your land why did you not take it?

Miss GOODMAN. It was too little.

The CHAIRMAN. How did you know it was too little? Who told you that?

Miss GOODMAN. My father told me.

The CHAIRMAN. If your father had not told you that would you have taken the $100 for it?

Miss GOODMAN. I do not know.

The CHAIRMAN. If he had told you to take $100 you would have done it?

Miss GOODMAN. Yes.

The CHAIRMAN. If your father had told you to take $50 you would have taken it?

Miss GOODMAN. Yes.

The CHAIRMAN. Would you have taken $10 if your father had told you to do so?

Miss GOODMAN. No.

The CHAIRMAN. What is the least you would take that your father would tell you to take?

Miss GOODMAN. I do not know.

The CHAIRMAN. Have you any sisters?

Miss GOODMAN. I have older sisters.

The CHAIRMAN. How many?

Miss GOODMAN. My father has an older daughter named Eliza, and two other girls that he has adopted.

The CHAIRMAN. How old is Eliza?

Miss GOODMAN. I do not know; but she is married.

The CHAIRMAN. Was it a Government school that you attended?

Miss WARREN. It is hard to explain that.

The CHAIRMAN. Would she understand better if you asked if it was a tribal school?

Miss WARREN (after interpreting the question). She does not know.

The CHAIRMAN. About how old was the man who bought your land, whom you described as a tall, white-haired man?

Miss GOODMAN. I do not know; but he was a young man.

The CHAIRMAN. How tall was he, as compared with me? Was he as tall as I am?

Miss GOODMAN. I think he was a little shorter.

The CHAIRMAN. Did he have any whiskers or mustache?

Miss GOODMAN. No.

The CHAIRMAN. His face was clean shaven, was it?

Miss GOODMAN. He was clean shaven.

The CHAIRMAN. When you speak about his hair being white or light, do you mean that it was white from age, or that it was naturally of a light color?

Miss WARREN. I should have understood her when she said it was light——

The CHAIRMAN. Ask her the question again, please, in order to be sure about it.

Miss GOODMAN (after having had the question interpreted to her). He is not an old man.

The CHAIRMAN. Do you see anyone in the room now who seems to you to be about of the same age that he was?

Mr. SLOAN. At this time I might suggest, Mr. Chairman, that the man she speaks of wore specs, and the man Waller that she speaks of was a red-headed man.

The CHAIRMAN. Did this man with the light hair—by the way, has she answered the last question?

Miss WARREN. No; she has not.

The CHAIRMAN. Let her do that now.

Miss GOODMAN. Yes; the one sitting next to Maj. Howard, to his right.

The CHAIRMAN. The Chair would judge him to be under 30 yea of age—about 28.

The GENTLEMAN REFERRED TO. Twenty-nine.

The CHAIRMAN. Did this man wear any glasses for his eyes?

Miss GOODMAN. Yes.

The CHAIRMAN. How many times had you seen him?

Miss GOODMAN. I do not know.

The CHAIRMAN. More than one time?

Miss GOODMAN. Yes.

The CHAIRMAN. Was he there the day you got the money?

Miss GOODMAN. Every time I went he was there.

The CHAIRMAN. And about how many times did you go?

Miss GOODMAN. Probably three or four times.

The CHAIRMAN. Now, was this man you are talking about the one you called Mr. Waller or not?

Miss WARREN. I think I will have to explain that.

The CHAIRMAN. I know, but I want to give her a fair chance, to see what her intelligence is.

Miss GOODMAN. I do not know.

The CHAIRMAN. What color was Mr. Waller's hair?

Miss GOODMAN. I do not know. I did not know his name.

The CHAIRMAN. Do you recall going into the bank that you first went to in the town and then going to another bank?

Miss GOODMAN. The first bank I entered the man had red hair, and the other one had light-brown hair.

The CHAIRMAN. Did you know the man with the red hair as Mr. Waller?

Miss GOODMAN. No.

Mr. SLOAN. I think she probably knows him as the red-headed banker.

The CHAIRMAN. By what name did you know him?

Miss GOODMAN. The red-headed man.

The CHAIRMAN. Was his hair very red?

Miss WARREN. There is no such word in the Indian language.

The CHAIRMAN. Well, we have not any head here to compare it with.

Mr. BURKE. A sheep is a sheep.

Miss GOODMAN. A little boy that entered here yesterday had hair like his.

The CHAIRMAN. Do you know now of any other Indian girls who have sold their allotments?

Miss GOODMAN. Yes.

The CHAIRMAN. Are they companions of yours or friends?

Miss GOODMAN. Yes; they are friends.

The CHAIRMAN. Did you know it before they sold or after they sold?

Miss GOODMAN. After they sold.

The CHAIRMAN. Have you talked with your girl friends about selling the land?

Miss GOODMAN. They told me about their land sales. They talked to me about it.

The CHAIRMAN. Do you know what they got for theirs?

Miss GOODMAN. No.

The CHAIRMAN. Did you ever see the land you sold? Were you ever on it?

Miss GOODMAN. No; I never saw it.

The CHAIRMAN. You have some more land, have you not?

Miss GOODMAN. I do not know.

The CHAIRMAN. Have you heard anything about it one way or the other?

Miss GOODMAN. No.

The CHAIRMAN. If you have more land and your father and mother would tell you to sell it, would you do it?

Miss GOODMAN. I do not know.

Mr. BURCH. Just one or two matters. Do you know White Earth?

Miss GOODMAN. Yes.

Mr. BURCH. Do you know the White Earth school?

Miss GOODMAN. Yes.

Mr. BURCH. Did you attend the White Earth school?

Miss GOODMAN. That is where I attended two years now.

Mr. BURCH. Gentlemen, I have asked her if she knew White Earth and if she knew the White Earth school. That is the principal school. She has answered in the affirmative, and I asked her if she attended that school, and she said yes, for two seasons or two years now.

Do you know Mr. Eggers?

Miss GOODMAN. Yes.

Mr. BURCH. He was the head of the school or the principal of the school?

Miss GOODMAN. Yes.

The CHAIRMAN. Was he the man who came after you?

Miss GOODMAN. Yes.

Mr. BURCH. To come here?

Miss GOODMAN. Yes.

Mr. BURCH. I have shown, gentlemen, that Mr. Eggers, the head of the school, whom she knew, came after her to come here.

Were you afraid of him or not?

Miss GOODMAN. No.

Mr. BURCH. I will say to you, gentlemen, that we have the record here that shows that she is not of the age that she states, or has been informed, according to the record—the agency record—but shows that she was born in 1897, which would make her now 14 years of age.

The CHAIRMAN. It is perfectly competent for you, Judge, to call any witness you choose to prove in the record what her apparent age is.

Mr. BURCH. I was merely stating that. The record is here. I will call witnesses, if you prefer that course. I can also explain to you, through this, probably, some of the details of this matter that will make it clearer yet to the committee. I have no further questions to ask.

The CHAIRMAN. What is your father's Indian name?

Miss GOODMAN. They call him Ozhe-ne-nee.

The CHAIRMAN. Spell it for the reporter.

Miss WARREN. Ozhe-ne-nee.

The CHAIRMAN. Is your full name Kah-deen Ozhe-ne-nee?

Miss GOODMAN. Yes.

The CHAIRMAN. Do you know what the English of that name is?

Miss GOODMAN. No.

The CHAIRMAN. Miss Warren, do you know what the English form of that name is?

Miss WARREN. I only know the first name.

The CHAIRMAN. Kah-deen?

Miss WARREN. Yes.

The CHAIRMAN. Anglicize the other, if you can.

Miss WARREN. I can not.

The CHAIRMAN. The name "Goodman" has been used in connection with the family——

Miss WARREN. That name she gave me, and she probably got that from the Indian boarding school that she attended.

The CHAIRMAN. That is not a translation of the other name, then?

Miss WARREN. No; it is not.

The CHAIRMAN (to the witness). What is your mother's name?

Miss GOODMAN. The Indian name is Mah-geet, which means Margaret in English.

The CHAIRMAN. Has your mother any other name than that one?

Miss GOODMAN. Kah-do. That is an Indian name—Kah-do and Neo-be-quay.

The CHAIRMAN. But she is known by the name of Mah-geet or Margaret?

Miss GOODMAN. She is only called Mah-geet.

The CHAIRMAN. Miss Warren, will you please say to Miss Goodman that the committee is greatly pleased with the way she has given her testimony, and we want her to feel that we are all her friends. Please tell her that.

(The interpreter did as requested.)

The CHAIRMAN. Judge Burch, you stated that Mr. Hinton made that roll——

Mr. BURCH. Not this roll [indicating].

The CHAIRMAN. Oh! That is not the same as this one [indicating]?

Mr. BURCH. No, sir.

The CHAIRMAN. He is the custodian of the roll, I suppose?

Mr. BURCH. Do you want him sworn?

The CHAIRMAN. He can prove the authenticity of it, and the fact that it is part of his official files. Perhaps it would be as well for him to be sworn and get the necessary information in the record.

TESTIMONY OF MR. JOHN H. HINTON.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. We are quite crowded for time to-day, and are stealing this time for your benefit, so I will ask you to be as brief as you can.

Mr. SLOAN. Let me suggest that there are the exhibits, the abstracts and bill of complaint, that should follow this last testimony, and that can be offered now.

The CHAIRMAN. They can come in at any time. Do you want to get them in the record now?

Mr. SLOAN. In their due course.

Mr. BURCH. Mr. Hinton, what book have you before you? I will skip all preliminaries.

Mr. BURKE. Well, let us establish him now, because we are going to have him again.

Mr. BURCH. Very well. Mr. Hinton, state your name, age, occupation, and residence.

Mr. HINTON. My name is John H. Hinton. I am 60 years old. I am a lawyer by profession. I have been connected with the Indian Service for over 20 years. I am now a special Indian agent of the Department of the Interior, having been appointed as such by the Secretary of the Interior.

Mr. BURCH. Where are you located?

Mr. HINTON. Located at Detroit, Minn., having been assigned by the Secretary and the Commissioner of Indian Affairs to work with the Department of Justice upon the White Earth land frauds and criminal cases.

Mr. BURCH. Before that, did you work in the office of the Indian Bureau at Washington?

Mr. HINTON. Yes, sir.

Mr. BURCH. Do you know what book you have before you?

Mr. HINTON. This is the original schedule of allotments approved by the Secretary of the Interior—that is, allotments made to the Indians of the White Earth Reservation, Minn.

The CHAIRMAN. To further identify it, let me ask you: Is this the book which was referred to and described somewhat elaborately by Judge Burch in his opening statement?

Mr. HINTON. Yes, sir; this is one of the books.

Mr. BURKE. This is not on the Hinton roll?

Mr. HINTON. No, sir; this is the original schedule of allotments.

The CHAIRMAN. Oh, yes; I see.

Mr. BURCH. What page have you before you, of that book?

Mr. HINTON. Page 138.

Mr. BURCH. 138?

Mr. HINTON. Yes, sir.

Mr. BURCH. Is there anything upon that page relative to an allotment for Catherine Goodman?

Mr. HINTON. This page shows the name of Catherine Goodman——

The CHAIRMAN. Please couple her Indian name with it.

Mr. BURCH. Kah-deen.

Mr. HINTON. I mean Kah-deen; not Catherine Goodman. The English name is not here.

The CHAIRMAN. Kah-deen?

Mr. HINTON. Yes. Let me make this statement: This page shows the name "Kah-deen——"

Mr. BURCH. Read that line right through.

Mr. HINTON (reading):

Number of original allotment, 3975; Kah-deen; granddaughter; description of land: Southeast quarter of southeast quarter of section 26, township 146, range 42, and the northeast quarter of northeast quarter of section 35, township 146, range 42; 80 acres.

Red ink note under the head of "Remarks":

Born, 1897; child of No. 3971.

Opposite that is a pencil notation which indicates the number of the additional allotment, that being——

Mr. BURCH. Never mind about that.

Mr. BURKE. Right there, turn to No. 3971 and give us the name of the allottee.

Mr. HINTON (reading):

Number of original allotment, 3971. Margarette Ozhe-ne-nee.

Mr. BURKE. Is the father's name given?

Mr. HINTON. I am reading this line, and then I will read the other—

Mr. BURKE. All right.

Mr. HINTON (continuing). Under the heading "Female" there appears "Dau." for daughter; age in 1889—under that heading—15—

You would have to add 22 now. Description of land—that is, the subdivision—southwest quarter of southwest quarter, section 25, township 146, range 42, and northwest quarter of northwest quarter, section 36, township 146, range 42—80 acres. "Wife of No. 3374" in red ink under the head of "Remarks."

Mr. BURKE. Now, give us No. 3374. You need not give the land, but just the name.

Mr. HINTON. 3374——

Mr. BURCH. Wait. What page do you read from?

Mr. HINTON. I read from page 117.

Mr. BURCH. Go on, now.

Mr. HINTON. Under the heading "Number of allotment" there appears: "3374, Ozhe-ne-nee"; under the heading "Male" there appears "Hus," standing for "husband"; age in 1889, 36; description of the land or subdivision——

Mr. BURCH. We do not care for that.

Mr. BURKE. Is it necessary to put that in?

Mr. BURCH. We do not care for it.

The CHAIRMAN. Omit it.

Mr. HINTON. Following out this number, it is indicated in red ink, under the head of "Remarks," "Husband of No. 3971."

Mr. BURCH. May I make this suggestion: Kah-deen's allotment, already first read, referred in itself to the allotment of her mother, which, in turn, referred to the allotment of her father.

Mr. BURKE. What does your record, now that we have put it in there, disclose as to this particular girl?

Mr. BURCH. It shows that she had an original allotment, and the number of acres, and all that.

The CHAIRMAN. That she is number so-and-so, and that she is the daughter of a man, number so-and-so in this book, and the daughter of a woman, number so-and-so, and that they were husband and wife.

Mr. HINTON. "Granddaughter" is opposite Kah-deen's name.

Mr. BURCH. What does it matter? Because that shows her allotment. This abstract shows the conveyance of it. The first line we read shows her allotment there, and this abstract shows the conveyance of it. She has testified to the manner in which she conveyed; and for the purposes, certainly, of this inquiry, that ought to be verity enough, it seems to me.

Mr. BURKE. All right. Proceed.

Mr. FERRIS. Will you give me the number of her father's allotment and also of her mother's?

Mr. HINTON. The word "father" does not appear. Here is the family group. In order to get this clear before you, perhaps it would be well to give you the family group, as it is put on the schedule of allotments.

The CHAIRMAN. Identify her father and her mother in some way, so that we may know them as her father and mother.

Mr. HINTON. This red ink note indicates that Kah-deen, the allottee before you, is a child of No. 3971. No. 3971 is Margarette Ozhe-ne-nee; and the red ink note indicates that she is the wife of No. 3374. No. 3374 is Ozhe-ne-nee. That is the name of the husband.

Mr. BURCH. The husband and father, you mean.

Mr. HINTON. Well, it does not say "father." I am giving you what the record shows.

The CHAIRMAN. It has been indicated to me that the same father and mother had a daughter of this same name who died, and that the name was then transferred to this girl. Does your roll or sheet give any information on that point?

Mr. HINTON. Here are four deaths noted in this family group. Ah-de-daush (English name, William Moores), that is No. 3968—and I think you had better stick to these original numbers, because they help out very materially in referring to these people—is noted as dead. The red ink letter indicates it. I have a copy of a list showing the deaths of allottes since the allotments were made, that I can get at——

The CHAIRMAN. Was that last person you named, who died, the child of No. 3374 and No. 3971?

Mr. HINTON. No, no. He is indicated as being 64 years old now, or would be if he had lived, and was the husband of No. 3969, who is Josette Moores according to the record. No. 3970, Pay-gwon-nay-we-dung is indicated as being dead and as a male 17 years old in 1889. The next, No. 3971, is Margarette Ozhe-ne-nee, daughter, 15 years old in 1889. Kah-deen is indicated as being the child of that person, and the record shows that she is alive. No. 3972, Joseph Moores, a male, 12 years old in 1889, is indicated as being dead. No. 3973, Odah-kay, or Frank Morrison, male, age in 1889 10 years. No. 3974, Ne-gaun-aush-equay adopted granddaughter, born in 1890. That gives the entire family schedule as shown on the allotment.

Mr. BURCH. Dead or alive?

Mr. HINTON. Dead or alive.

Mr. HINTON. I might say, for the information of the committee, that Ozhe-ne-nee, the father, is noted as four-fourths, and the wife as three-fourths; and that would make this child seven-eighths. She is so enrolled, as seven-eighths.

Mr. BURKE. Give us the date of the allotment.

Mr. HINTON. The schedule is approved February 28, 1901, by Secretary Hitchcock.

Mr. BURCH. Now, is the committee through with that part of it?

The CHAIRMAN. Yes.

Mr. BURCH. I now have here for reference and offer to read into into the record an abstract of title of the original allotment, and there is also an abstract of title of the additional allotment of this person; but the original allotment only is concerned in suit, or in the conveyance procured from her, so I will confine myself to that. Shall I read it into the record or pass it over to the committee for observation or leave it with the reporter?

The CHAIRMAN. There are some pencil memoranda here that are no part of the record. You, of course, do not want that. I refer to "Minor," "Born, 1897," and "Agency record."

Mr. BURCH. We have already proved that.

Mr. BURKE. This would not be evidence, anyhow.

Mr. HINTON. That was taken from the schedule, anyhow.

The CHAIRMAN. Judge Burch, this appears to be merely a copy of the abstract.

Mr. BURCH. I will explain to the committee that these are not certified abstracts of title——

The CHAIRMAN. But do you say they are correct?

Mr. BURCH. We have corrected them carefully; yes.

The CHAIRMAN. Very well.

Mr. BURCH. They are prepared by our own people, and we will procure certificates of their correctness if needed at any time.

The CHAIRMAN. The reporter will take the first two pages and incorporate them in the record.

(The matter above referred to is as follows:)

KAH-DEEN, MINOR DAUGHTER OF NO. 3374.

Original 3975. Kah-deen, SE. ¼ of SE. ¼, 26–146–42. NE. ¼ of NE. ¼, 35–146–42.

Application approved February 28, 1901; patented December 30, 1902.

1. PATENT.

United States to Kah-deen. Dated December 30, 1902; filed June 23, 1909; deeds book 6, page 574. Conveys SE. ¼ of SE. ¼, 26–146–42; NE. ¼ of NE. ¼, 35–146–42.

2. WARRANTY DEED.

Kah-deen, or Catherine Goodman, Mahnomen County, Minn., to The Waubun Land & Implement Co., corporation laws of Minnesota. Dated June 21, 1909; filed June 22, 1909; deeds book 11, page 227; consideration $175. Conveys SE. ¼ of SE. ¼, 26–146–42; NE. ¼ of NE. ¼ 35–146 b4, H. A. Krostue, notary, Mahnomen County, Minn. Mixed blood affidavit by grantor. Witnesses: H. A. Krostue, Andrew Vanoss.

3. MIXED BLOOD AFFIDAVIT.

John Goodman to whom it may concern. Dated April 5, 1910; filed April 6, 1910; miscellaneous book 2, page 334; relates to land in foregoing patent, and states the allottee to be an adult mixed blood. Affidavit M. W. Price as interpreter. Witnesses: H. A. Krostue, P. J. Peterson.

Nothing further found. July 28, 1910.

Mr. BURCH. I have here before me now, gentlemen, the bill of complaint in the Circuit Court of the United States for the District of Minnesota, in equity.

The CHAIRMAN. You have a copy of the deed, have you not?

Mr. BURCH. No, sir.

The CHAIRMAN. In this case?

Mr. BURCH. No.

The CHAIRMAN. Is there a copy attached to the bill?

Mr. BURCH. No.

The CHAIRMAN. Please let me look at the bill for a moment, Judge. [After examining bill.] Is there any way that you could suggest by which the gist of this could be put into the record and thereby shorten it quite a little?

Mr. BURCH. Yes; very much. I could read it into the record, I think, by abbreviating it.

The CHAIRMAN. Or, better yet, if you could take a pencil and make marginal marks, indicating what parts should go in the record, the reporter could take it and copy those parts.

Mr. BURCH. I hardly know how I could do that; but I could abstract it as I ran along—as I run over it—in less time than I could do it in any other way; or we could leave a copy of the bill with the committee. We have copies.

The CHAIRMAN. You have stated, already, in your opening statement, the substance of it. You might pick out paragraphs of peculiar importance here and let them be copied verbatim.

Mr. BURCH. The way these bills are framed, in answer to the chairman's question, is simply this: That the United States owned the land described——

The CHAIRMAN. We understand thoroughly about the theory on which the bill is drawn now from your statement. Do you deem it essential that the bill should go into the record?

Mr. BURCH. No; I do not deem that any of this is very essential, so far as I am concerned, except to satisfy the committee.

Mr. BURKE. Is there not one paragraph there that specifically states as a ground of action in this particular case that this girl was a minor?

Mr. BURCH. No, sir; it states that she was an Indian.

The CHAIRMAN. In her case, being a mixed blood, in effect?

Mr. BURCH. We do not aver in these bills affirmatively those circumstances. We leave the defense to plead it.

The CHAIRMAN. I understand you say there is a cloud on the title, and you let them do the rest. Then there is not anything in the bill that would be of peculiar interest to us.

Mr. BURCH. What is that?

The CHAIRMAN. There is nothing in the bill, I think, that justifies it in going into the record. It is the answer that would set up those facts.

Mr. BURCH. Yes; here is one paragraph which I might read:

And your orator further shows that on June 21, 1909, the said Kah-deen, or Catherine Goodman, executed to the Waubun Land & Implement Co. a so-called warranty deed covering the said described parcel of land for an alleged consideration of $175, which said deed was, on June 22, 1909, filed in the office of the register of deeds for Mahnomen County, Minn., and thereafter duly recorded in deeds book 11 at page 227.

That is substantially the paragraph.

The CHAIRMAN. What have you in the record now to identify this girl with Catherine Goodman?

Mr. BURCH. Nothing, except the proof that she is.

The CHAIRMAN. There is no proof bearing on the name "Goodman" here.

Mr. BURCH. Well, it would be, then, a question of identity for us under the proofs in the bill; and we have not the proof to offer here.

Mr. BURKE. What you just read from is the bill of complaint concerning this girl Kah-deen?

Mr. BURCH. Yes.

Mr. BURKE. Have you the answer?

Mr. BURCH. No. Indeed, I should have to look through this whole volume to see whether any answer has been filed. You must, understand, gentlemen of the committee, that these persons came off very

hastily, with only a few hours' notice to bring with them such material as, by telegraph, the people at the other end supposed might be necessary.

Mr. BURKE. I suppose they rely for their defense in this case on the fact that this girl was an adult, and was a mixed-blood Indian?

Mr. BURCH. It says "Kah-deen, a minor," in one paragraph.

Mr. BURKE. But they will probably plead that she is an adult, and that she is a mixed blood.

Mr. BURCH. I do not know what they will plead. They will probably plead one or the other—that she is either a half blood or an adult.

Mr. BURKE. They will not plead that she is a full-blood, will they?

Mr. BURCH. I say I do not know what they will plead, or what they have pleaded, because I have not it here. If it is expected of us, gentlemen, that we must make the same proof here that we would make in court to establish this case, in order to satisfy you of the identity of the party, and of the fact that a minor has conveyed away or sought to convey away her allotment, I shall have to ask the indulgence of the committee until some future time to make the necessary proof for that purpose. But I had not supposed that that was within the present purview of the committee's wishes.

The CHAIRMAN. The committee has let the bars down much lower than a court would, Judge, but on questions of identity my idea would be that you will have to satisfy the committee, first or last, as to the actual identity of the persons involved. It has been pretty well established here, but it does not quite conform to the allegation in your bill yet.

Mr. BURCH. What is that?

The CHAIRMAN. There is pretty good proof that Kah-deen is the daughter of numbers so-and-so—her father and mother—but your bill alleges that she is Catherine Goodman, and there is not yet any proof to connect her with that individual.

Mr. BURKE. Does the land described in this bill of complaint correspond with the land allotted in No.——

Mr. BURCH. Oh, it absolutely corresponds with it, with the original allotment. It absolutely corresponds with it. The name "Kah-deen" is used. It is alleged that she is a minor.

The CHAIRMAN. The identity is pretty well established, and were it not for the use of that name, Goodman, which is a bit confusing, I should think it sufficient, in fact.

Mr. BURKE. It names her there also as Kah-deen, does it not?

Mr. BURCH. Yes.

The CHAIRMAN. Miss Warren, is that a usual or an unusual name among the Indians?

Miss WARREN. What name?

The CHAIRMAN. Kah-deen.

Miss WARREN. Yes; it means Catherine.

The CHAIRMAN. Is it a usual, a common, or a rare name?

Miss WARREN. It is a common name.

The CHAIRMAN. So that "Kah-deen" of itself does not identify anyone very well?

Miss WARREN. No.

The CHAIRMAN. Any more than "Catherine" among the whites?

Miss WARREN. That is true.

(After an informal discussion concerning the value of the land under consideration:)

The CHAIRMAN. Judge, is there anything further you want to offer to-day?

Mr. BURKE. I want to get through just as fast as these girls can testify and get through. We are willing to suspend, but I want to get along just as fast as I can.

The CHAIRMAN. Do you want to call another one of the girls now?

Mr. BURCH. I would be very glad to. But first, let me ask Mr. Hinton a question.

Mr. Hinton, do you know anything about this particular land and where it is?

Mr. HINTON. I have never visited this particular tract of land, but I can show the committee on the map where it is located.

Mr. BURCH. That would not do any good. I will ask Maj. Howard. Do you know this particular land?

Maj. HOWARD. I was never on that particular piece.

Mr. BURCH. You do not know anything of its value, then?

Maj. HOWARD. Only generally, in that section.

Mr. BURCH. I will say that it is right on the railroad; right on the "Soo" line of the railroad.

Mr. BURKE. I think probably the committee will at some time require you to produce evidence from some witness who is qualified to show the value. You can do that, Judge, without very much trouble.

Mr. BURCH. Oh, yes; later on. I had not expected to do otherwise.

Mr. BURKE. The only reason I suggested it now, informally, was to keep this case by itself, as far as we could.

STATEMENT OF MISS BE-BE-SHANK.

(The witness, Miss Be-be-shank, was duly sworn by the chairman.)

Mr. BURCH. Where do you live?

Miss BE-BE-SHANK. At Twin Lakes.

Mr. BURCH. Is that your full Indian name?

Miss BE-BE-SHANK. That is all, Be-be-shank.

Mr. BURCH. Did you ever have any land, or own any land?

Miss BE-BE-SHANK. Yes, sir; which I sold.

Mr. BURCH. How old are you?

Miss BE-BE-SHANK. Probably 20 years old; I do not know.

Mr. BURCH. Have you been to school?

Miss BE-BE-SHANK. Yes, sir.

Mr. BURCH. Where?

Miss BE-BE-SHANK. At White Earth.

Mr. BURCH. How many years?

Miss BE-BE-SHANK. Probably three years.

Mr. BURCH. Can you give the Indian name of your father?

Miss BE-BE-SHANK. His name was Kah-don-shis.

Mr. BURCH. Can you give the name of your mother?

Miss BE-BE-SHANK. Nah-zhe-wah-quay.

Mr. BURCH. Can you read or write?

Miss BE-BE-SHANK. No, sir.

Mr. BURCH. How long were you at school at White Earth?

Miss BE-BE-SHANK. Three years.

Mr. BURCH. Did you ever see the land you owned?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. Who told you that you owned land?
Miss BE-BE-SHANK. My mother.
Mr. BURCH. Did you sell this land?
Miss BE-BE-SHANK. Yes, sir; one.
Mr. BURCH. Whom did you sell it to?
Miss BE-BE-SHANK. To a man at Waubun.
Mr. BURCH. Where did the man stay, or where was his place of business?
Miss BE-BE-SHANK. In a bank.
Mr. BURCH. Can you tell which of the banks it was at Waubun?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Which one was it. How did it look? Describe it. Where was it situated?
Miss BE-BE-SHANK. It is a large bank.
Mr. BURCH. Do you know Mr. L. S. Waller?
Mis BE-BE-SHANK. I do not know.
Mr. BURCH. What did the man pay you for your land?
Miss BE-BE-SHANK. Probably about $20 or near that amount.
Mr. BURCH. How did you come to sell it? Did he want to buy it, or did you want to sell it?
Miss BE-BE-SHANK. My mother told me to sell it.
Mr. BURCH. Was this before you went to Waubun?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Had the man been to see your mother?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. When you went to Waubun, did you go with your mother?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Who else went along?
Miss BE-BE-SHANK. My mother's husband.
Mr. BURCH. Was that your father, or not?
Miss BE-BE-SHANK. It was not my father.
Mr. BURCH. Did you understand the talk between them?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. Did they have any interpreter?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Was there anything said about how much land you were selling—that is, by the interpreter to her?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. Did you know whether you were selling all your land or a part of it?
Miss BE-BE-SHANK. I think only one-half of the land I owned.
Mr. BURCH. Is that what your mother or the interpreter told you?
Miss BE-BE-SHANK. I do not know who of the two said so.
Mr. BURCH. Did you make out any paper or sign any paper?
Miss BE-BE-SHANK. I signed one by a thumb print.
Mr. BURCH. Did you sign your name twice by a thumb mark or only once?
Miss BE-BE-SHANK. Once.
Mr. BURCH. What part of the year was it?
Miss BE-BE-SHANK. It was in the summer time.
Mr. BURCH. Do you know the Fourth of July?

Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Was it before the Fourth of July?
Miss BE-BE-SHANK. It was probably after the Fourth of July.
Mr. BURCH. Do you know how to count money?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. You did not know then, of course?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. Was the money paid, then, to anybody by this man?
Miss BE-BE-SHANK. The money was paid to me.
Mr. BURCH. What did you do with it?
Miss BE-BE-SHANK. I went to the store.
Mr. BURCH. Did you spend the money when you got there?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. What did you buy, if you remember?
Miss BE-BE-SHANK. One horse and a colt.
Mr. BURCH. Was the horse and colt in the store or was it around about the store?
Miss BE-BE-SHANK. I went to Monte Price's store.
Mr. BURCH. Where was the horse at the time—on the outside?
Miss BE-BE-SHANK. It was outside.
Mr. BURCH. Did you take it home?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Did you pay all the money you got for the horse?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. What did you do with the rest of it?
Miss BE-BE-SHANK. I bought food.
Mr. BURCH. For the family?
Miss BE-BE-SHANK. Yes, sir; for the family.
Mr. BURCH. Was it food to eat there at the store or food to take home for the family?
Miss BE-BE-SHANK. I took the food home.
Mr. BURCH. You do not know how much money you spent for that, do you?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. Did you have any money left?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Can you tell how much?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. Did you keep that, or give it to your mother?
Miss BE-BE-SHANK. I gave it to my mother.
Mr. BURCH. Did you have a brother?
Miss BE-BE-SHANK. My mother's son was there.
Mr. BURCH. Did he live in the family then, or live at home?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. Do you know whether or not he had any land?
Miss BE-BE-SHANK. I do not know; he probably had some.
Mr. BURCH. Can you tell who gave this man to whom you sold the land a description of it? Did you tell him the description of the land, or did anybody?
Miss BE-BE-SHANK. I gave my trust patent to him.
Mr. BURCH. You handed your trust patent to him?
Miss BE-BE-SHANK. I do not remember what happened to it there.
Mr. BURCH. Did you have two trust patents, or only one?
Miss BE-BE-SHANK. Just one.

Mr. BURCH. And that was all you gave him?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Did your mother carry that or did you?
Miss BE-BE-SHANK. I do not know.
Mr. BURCH. I will ask you again, who told you how old you are?
Miss BE-BE-SHANK. My mother.
Mr. BURCH. When?
Miss BE-BE-SHANK. When I sold my land.
Mr. BURCH. You say your mother told you when you sold the land. How old did your mother tell you you were then?
Miss BE-BE-SHANK. I do not know.
Mr. BURCH. You do not know what your mother told you about that?
Miss BE-BE-SHANK. No, sir.
Mr. BURCH. Did your mother tell the man how old you were?
Miss BE-BE-SHANK. I think she did.
Mr. BURCH. Did they have an interpreter?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Who was he?
Miss BE-BE-SHANK. My mother's son.
Mr. BURCH. Has your mother an English name?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. Have you an English name?
Miss BE-BE-SHANK. Yes, sir.
Mr. BURCH. What is your mother's English name?
Miss BE-BE-SHANK. Angeline Michaud.
Mr. BURCH. What is your step-father's name?
Miss BE-BE-SHANK. Che-que.
Mr. BURCH. Did you have any younger sister?
Miss BE-BE-SHANK. ~~Yes, sir; she died.~~
Mr. BURCH. Before you sold this land?
Miss BE-BE-SHANK. My sister died this spring.
Mr. BURCH. What was her name?
Miss BE-BE-SHANK. My sister's English name was Caroline Sullivan.
Mr. BURCH. What was her Indian name?
Miss BE-BE-SHANK. Equay-maince.
Mr. BURCH. When you sold the land, did your brother, or your mother's son, who interpreted, sell his land also? Did your mother's son sell any land?
Miss BE-BE-SHANK. I do not know.
Mr. BURCH. Did you feel sure you were selling only one piece of land when you handed in one paper?
Miss BE-BE-SHANK. I sold only one piece of land, and had only one piece of paper.
Mr. BURCH. That is all I care to ask.
The CHAIRMAN. Does any member of the committee desire to ask the witness any questions?
Mr. BURKE. When was it that you sold your land?
Miss BE-BE-SHANK. I do not know.
Mr. BURKE. How many winters have passed since you sold it?
Miss BE-BE-SHANK. Probably two years.
Mr. BURKE. How old did you say you are now?
Miss BE-BE-SHANK. I do not know.

Mr. BURKE. You went to Waubun the day you sold your land, did you not?

Miss BE-BE-SHANK. Yes, sir.

Mr. BURKE. With whom did you go?

Miss BE-BE-SHANK. My mother's son.

Mr. BURKE. Who asked you to go to town?

Miss BE-BE-SHANK. My mother.

Mr. BURKE. Did she talk to you about selling your land?

Miss BE-BE-SHANK. No, sir.

Mr. BURKE. When did you first hear about selling the land?

Miss BE-BE-SHANK. We left home to go there.

Mr. BURKE. Was it after you got on the road?

Miss BE-BE-SHANK. Yes, sir.

Mr. BURKE. Had anybody been out there to talk with you or your mother to see whether you would sell the land?

Miss BE-BE-SHANK. No, sir.

Mr. BURKE. Did your mother have your trust patent?

Miss BE-BE-SHANK. My mother had the trust patent.

Mr. BURKE. Did she take it to town with her that day?

Miss BE-BE-SHANK. Yes, sir; she took it to town.

Mr. BURKE. When you got to town you went to the bank, did you not?

Miss BE-BE-SHANK. Yes, sir.

Mr. BURKE. And did your mother talk with somebody there in the bank?

Miss BE-BE-SHANK. Yes, sir; she talked with a man in there.

Mr. BURKE. How many men were in there?

Miss BE-BE-SHANK. There were three men, the banker, another man, and my mother's son.

Mr. BURKE. What kind of looking man was the banker? Was he a young man or an old man?

Miss BB-BE-SHANK. He was a young man?

Mr. BURKE. What was the color of his hair?

Miss BE-BE-SHANK. He had red hair.

Mr. BURKE. Did he wear glasses, or not?

Miss BE-BE-SHANK. I did not look at him to know.

Mr. BURKE. Did you talk with this man yourself, or did your mother do the talking?

Miss BE-BE-SHANK. My mother.

Mr. BURKE. While you were in there was there any paper written out to which you signed your name or to which you put your thumb mark?

Miss BE-BE-SHANK. I do not remember that.

Mr. BURKE. You remember putting your thumb on some papers, do you not?

Miss BE-BE-SHANK. Yes, sir.

Mr. BURKE. Did they tell you what that paper was?

Miss BE-BE-SHANK. No, sir.

Mr. BURKE. What did you think the paper was?

Miss BE-BE-SHANK. I did not know what it was.

Mr. BURKE. Did you know you were selling a part of your land?

Miss BE-BE-SHANK. Yes, sir.

Mr. BURKE. After you put your thumb mark on this paper, did you get some money?

Miss BE-BE-SHANK. Yes, sir; money was given to me.

Mr. BURKE. How much money was given to you?

Miss BE-BE-SHANK. I do not know how much, but I remember getting money once.

Mr. BURKE. Who handed you the money?

Miss BE-BE-SHANK. The banker.

Mr. BURKE. Did he pay the money to you or did he give it to your mother?

Miss BE-BE-SHANK. To me.

Mr. BURKE. And then did you take this money and go over to the store and buy a horse?

Miss BE-BE-SHANK. Yes, sir.

Mr. BURKE. How much did you give for the horse?

Miss BE-BE-SHANK. I do not know; I have forgotten.

Mr. BURKE. What did you do with the horse?

Miss BE-BE-SHANK. He died.

Mr. BURKE. Did it have a colt?

Miss BE-BE-SHANK. Yes, sir.

Mr. BURKE. Did the colt die, too?

Miss BE-BE-SHANK. Yes, sir; it died, too, when it was quite big.

Mr. BURKE. And you never got any money for this land except what you got the day you were in the bank when you put your thumb mark on this paper?

Miss BE-BE-SHANK. I only know that I got money once.

Mr. BURKE. Do you know whether your mother got any money?

Miss BE-BE-SHANK. No, sir.

The CHAIRMAN. Mr. Burch, do you wish to make the same request as to the identification of the records?

Mr. BURCH. I suppose I shall have to ask the same indulgence in this case.

Mr. BURKE. What is the name of your mother's son?

Miss BE-BE-SHANK. His name is Ke-che-mo-ko-maun.

Mr. BURKE. Can you give his English name?

Miss BE-BE-SHANK. I think it is William.

Mr. BURKE. Did you see your mother's son sign any paper while he was in the bank?

Miss BE-BE-SHANK. No, sir.

Mr. BURCH. Mr. Hinton, I have shown you a name on the allotment book. Can you pronounce that name?

Mr. HINTON. Wah-yay-quah-ke-shig.

Mr. BURCH. Miss Be-be-shank, have you a brother by that name?

Miss BE-BE-SHANK. An older brother.

Mr. BURCH. Have you a sister called Equay-zaince?

Miss BE-BE-SHANK. I have none.

Mr. BURCH. Have you a younger sister called Equay-zaince?

Miss BE-BE-SHANK. I have a sister who died who was called Equay-maince.

The CHAIRMAN. I notice you limp slightly in walking; are you lame in any way?

Miss BE-BE-SHANK. I have been that way since childhood.

The CHAIRMAN. Since you can remember?

Miss BE-BE-SHANK. No, sir.

The CHAIRMAN. Which limb is affected?

Miss BE-BE-SHANK. The left limb.

The CHAIRMAN. Does it cause you pain?

Miss BE-BE-SHANK. No, sir.

The CHAIRMAN. Is your health good?

Miss BE-BE-SHANK. Yes, sir.

The CHAIRMAN. The committee is much obliged to you, Miss Be-be-shank, and are much pleased with you.

Mr. BURCH. We have here the abstracts——

Mr. BURKE (interposing). You ought not to call those papers abstracts.

Mr. BURCH. They are not certified abstracts.

Mr. BURKE. I think you might call them copies.

Mr. BURCH. They are not copies; they are originals.

The CHAIRMAN. Do you mean they are carbon copies of the original abstracts?

Mr. BURCH. I mean they are the original abstracts, but they are not certified abstracts. I will explain to you that we sent our own attorneys into the offices and they made some 1,400 abstracts according to the Linnen and Moorhead list that we had, and although these abstracts are not certified by the register of deeds or the recorder of deeds, we drew our bill in equity, so far as the descriptions are concerned, using the matter contained in them. Of course, if we should need them in court, we should have them certified by the recorder of deeds.

Mr. BURKE. But this paper you have now is an abstract made by your force for the purpose of obtaining information upon which you based your suits.

Mr. BURCH. Yes, sir.

The CHAIRMAN. They can go in the record.

Mr. BURCH. I will offer the complete abstract; it may all go in.

I will have Mr. Hinton to read from the book. You have the same book before you as you had in the case of Kah-deen?

Mr. HINTON. Yes, sir.

Mr. BURCH. What page have you before you?

Mr. HINTON. This is the second schedule, attached to the original, which is approved by the Acting Secretary of the Interior, September 13, 1907. It is the original schedule of later allotments to other Indians, bound with the original schedule, to which I referred awhile ago.

Mr. BURCH. What page do you read from?

Mr. HINTON. It is not paged.

Mr. BURCH. How can you identify it?

Mr. HINTON. It will be identified by the number of the allotment.

Mr. BURCH. Do you have the allotment there for Be-be-shank? Do you have the name of Be-be-shank there?

Mr. HINTON. I have the name Be-be-shanh. The original allotment number is 4851. SE. ¼ of the SE. ¼ sec. 4, T. 145, R. 38—80 acres. The age of this allottee is indicated in 1907 as 11 years. She is indicated as a male on the schedule, the letter "M" appearing under the heading "Male," which is evidently a typographical error.

Mr. BURCH. Is that entry related or correlated to other entries there?

Mr HINTON. Here is a family group. No. 4849, Angeline Michaud.

Mr. BURCH. Did you hear the testimony of Be-be-shank?

Mr. HINTON. In part.

Mr. BURCH. Did you hear her mention that name as that of her other?

Mr. HINTON. I did.

The CHAIRMAN. Did you say she was 11 in 1897?

Mr. HINTON. No, sir; in 1907.

The CHAIRMAN. That would make her 15 now.

Mr. HINTON. Yes, sir. That is the age given at the time the schedule was made up. Of course, the allotment agent was in the field doing this work, and you might allow a margin of six months on that. The mother's age is indicated as 38 years in 1907. This number, 4850, is in the name of Wah-yay-quah-ke-shig, male, 13 years old in 1907; and then after Be-be-shank comes 4852, in the name of Equay-zaince, female, 7 years old in 1907. That is the entire family group.

Mr. BURKE. According to that record, this allotment was not approved until after the legislation was enacted—that is, the acts of 1906 and 1907.

Mr. BURCH. No, sir; this was the original allotment also, but it is down here on the supplemental list.

Mr. BURKE. Although it might possibly happen that this allotment may have been made after more than six months. That is the date of the approval.

Mr. HINTON. The agent transmitted it to the Commissioner of Indian Affairs on May 31, 1907.

Mr. BURKE. Then it was made probably in the spring?

Mr. HINTON. Yes, sir.

Mr. BURCH. In this case, we expect later, with the indulgence of the committee, in some way or other to either withdraw this record or prove that this young woman was not above the age of 14 or 15 at the time of this occurrence, and possibly was less; that this trust patent was taken there for the purpose of selling 80 acres of land; that 80 acres of land was sold for some consideration, that named in the transfer or deed being $60; that in that deed, without their knowledge or understanding, was carried the additional allotment of this same child or girl, and also an allotment of practically the same size as either of the others which actually belonged to the brother, or mother's son, whatever way they have of expressing it—he was probably a stepbrother—and that the whole was thus clouded, so far as the Government is concerned, for this consideration. This is the case that I spoke of where was included three descriptions of land aggregating 240 acres for the named consideration of $60. Whatever may have been the real consideration, we have not very adequate proof beyond what she states here. That is the best I can do here with this case.

Mr. BURKE. Mr. Hinton, you are quite familiar with this roll or record?

Mr. HINTON. Yes, sir; I think I am.

Mr. BURKE. Will you state between what dates the lands on the White Earth Reservation were allotted?

Mr. HINTON. Some selections were made under the treaty of 1867—that is, some selections of land for homes were made. Now, under the Nelson Act of 1889 the allotments were authorized, and it provided also that these selections should be retained by the Indians. They selected, I think, under that treaty 160 acres in a few cases. The first opening schedule allotment was approved February 28, 1901.

Mr. BURKE. Then the great bulk of them were made at the same time?

Mr. HINTON. They began to select their lands soon after January 14, 1889, after the record was made of the selections up to the time that this schedule was made.

Mr. BURKE. We have been told who the superintendent was. Was there an allotting agent assigned there who made these allotments?

Mr. HINTON. Yes, sir.

Mr. BURKE. Who was he?

Mr. HINTON. D. S. Hall. Here is his certificate, dated July 21, 1900. That is the certificate of D. S. Hall, certifying and transmitting the first original schedules of allotment.

Mr. BURKE. He was the allotting agent?

Mr. HINTON. I so understand. His official title was Chippewa commissioner, which is equivalent to allotting agent.

Mr. BURKE. Where is he now?

Mr. HINTON. I think he is in Minnesota.

Mr. BURKE. Do you know at what point?

Mr. HINTON. He was engaged in the capacity of Chippewa commissioner at Onamia, Minn., his duties being to remove the Mille Lacs Indians over to the White Earth Reservation.

Mr. BURKE. How recently?

Mr. HINTON. He is out of the Government service. He went out several months ago, and he has a home, I understand, in Minnesota.

Mr. BURKE. You have heard the statement made in the opening by Judge Burch, that these Indians, when they were allotted lands, were lined up, the mixed bloods in one line and the full bloods in another line?

Mr. HINTON. Yes, sir.

Mr. BURKE. Do you know who was the allotting agent?

Mr. HINTON. Simon Michelet. I deem it proper to explain that following the first original allotment came the supplemental original, and then the additional schedule also. I have not that with me. It is at the Detroit office. Since that time there has been another schedule.

Mr. BURKE. Do I understand that this line-up that has been described was when they were allotting the second 80 acres?

Mr. HINTON. It was when they took the additional allotment, as I understand it.

Mr. BURKE. And it was suggested that the same thing occurred when they took the original allotment?

Mr. HINTON. I do not understand it that way. I have understood also that the allotments were given the first day to the mixed bloods, and that the full-bloods objected to that and threatened this riot the following day, when these two lines were formed and they were permitted to come in.

Mr. BURKE. Of course that is entirely hearsay?

Mr. HINTON. Yes, sir.

The CHAIRMAN. What is the method adopted for choosing the allotments, for instance, for these girls, or others in like situation?

Mr. HINTON. The law provides that the parents make the selection of land, if living, or, in the case of an orphan, the agent or superintendent makes the selection.

(Thereupon, at 5.45 p. m., the committee adjourned, to meet at 2 o'clock p. m. on Monday, July 31, 1911.)

WHITE EARTH RESERVATION

No. 4

HEARINGS

BEFORE THE

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JULY 31, 1911

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman.*

SCOTT FERRIS, Oklahoma.
HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Monday, July 31, 1911.

The committee met at 2 o'clock p. m., Hon. James M. Graham (chairman) presiding.

The following members of the committee were present: Messrs. Hensley, Hanna, and Burke.

There were also present: Hon. Halvor Steenerson, Member of Congress from Minnesota; M. C. Burch, of the Department of Justice; Thomas Sloan, attorney at law; and Mrs. Helen Pierce Gray.

TESTIMONY OF MR. JOHN R. HOWARD, SUPERINTENDENT OF THE WHITE EARTH INDIAN AGENCY.

(The witness, Mr. John R. Howard, was duly sworn by the chairman.)

Mr. BURCH. Pending the arrival of Mr. Burke, I desire to ask some preliminary questions. Maj. Howard, what is your name, age, residence, and occupation?

Mr. HOWARD. John Reed Howard, 70 years old, and at present I am the superintendent of the White Earth Indian Agency in Minnesota.

Mr. BURCH. Do you reside there?

Mr. HOWARD. Yes, sir.

Mr. BURCH. Mr. Burke, I was only asking a few preliminary questions before you came into the committee room.

Mr. BURKE. I understand, go ahead.

Mr. BURCH. How long have you been Indian agent on that reservation?

Mr. HOWARD. I took charge on May 1, 1908.

Mr. BURCH. A little over three years, then?

Mr. HOWARD. Yes, sir.

Mr. BURCH. Who was your predecessor?

Mr. HOWARD. He was Simon Michelet.

Mr. BURCH. Do you know, in a general way, how long he was acting in that capacity?

Mr. HOWARD. About seven years.

Mr. BURCH. Did Mr. Michelet leave there immediately upon your taking charge as his successor?

Mr. HOWARD. He left there soon afterwards.

Mr. BURCH. How soon? How long did he stay up there after you went in?

Mr. HOWARD. He was there at different times after I took charge.

Mr. BURCH. For how long a period?

Mr. HOWARD. I can not tell exactly. He had some difficulty; it was probably two months.

Mr. BURCH. What State do you come from? What is the State of your residence?

Mr. HOWARD. Minnesota.

Mr. BURCH. Whereabouts?

Mr. HOWARD. At Sauk Center.

Mr. BURCH. What business were you engaged in before you took this position?

Mr. HOWARD. For 17 years I had been in the claims department as assistant claim agent of the Great Northern Railway, and for the last 2 years I was the chief claim agent for that system.

Mr. BURCH. I will ask you what condition you found the Indians of that reservation in with respect to their health, their finances, their means of living, their spirit, or any of those things that you think would be of interest to the committee? Place them as nearly as possible in your place of observation at that time. Tell them what conditions you found things in.

Mr. HOWARD. I found a great many sick Indians and diseased people, tuberculosis being quite prevalent.

Mr. BURCH. How about impoverishment? What was their financial condition?

Mr. HOWARD. They were in better shape financially then than now, but there were a great many of them who were financially greatly embarrassed at that time and had to have help. I was called on to issue rations. I can not give the figures without the books, but a large number of rations were issued.

Mr. BURCH. What was their condition respecting their land; that is, in the way of the sale of their land?

Mr. HOWARD. Well, it was sometime before I became acquainted with that. When I first went there, I spent some time looking over the reservation, and found that farming had been nearly altogether dropped by the Indians. There were evidences of former cultivation on every hand, but the old fields had not been cultivated for a long time. I concluded that one of the best things I could do for those Indians would be to get them to farming, and, with that in view, I sent out notices that I wanted the Indians who desired to farm to send me their names and I would endeavor to assist them in getting a start. I have the list in my office yet of those who wanted to go to farming. After I came to investigate the list, however, I found that about 80 per cent of them did not have any land, but had sold it or mortgaged it. I found that to be the condition generally.

Mr. BURCH. Do you mean to be understood by this, Maj. Howard, that the Indians had been demoralized; that is, that they had been kept from work by being able to sell these allotments and get money from them to live upon?

Mr. HOWARD. That is my understanding.

Mr. BURCH. That is, by selling their allotments?

Mr. HOWARD. Yes, sir.

Mr. BURKE. Mr. Burch, you are a lawyer and some of the members of this committee are lawyers, and I think you ought either to testify or let him testify. I only offer that as a suggestion. There is no need to reply to it.

Mr. BURCH. I am afraid you have put it in such a way that I will be obliged to reply to it. I know perfectly well the rules in regard to the interrogation of witnesses and as to leading questions, but I want to get on with this examination. Perhaps members of the committee can do it better. Of course, I do not want to put theories in the witness's mouth or to testify myself through him. I have noticed apparently a little reluctance on the part of the major, but I will endeavor to comply with your suggestion. I want the truth as to the conditions there, as I think every member of the committee does. Now, Maj. Howard, you understand the difficulty I am laboring under. I can not suggest these matters to you without transgressing the rules of evidence, which you ought yourself to understand, relating to leading questions. Now, please go on in your own way and tell in as brief a way as you can the conditions you found there?

Mr. HOWARD. Well, I found that a large portion of the reservation had been sold by the Indians. I found that there were several concerns at Detroit, one or two at Callaway; two banks at Ogema, two banks at Waubun, and that there were quite a number of land dealers at Mahnomen, who made it their business to handle Indian lands.

Mr. HANNA. What was that?

Mr. HOWARD. They were engaged in buying lands.

Mr. HANNA. Buying the land or lending the Indians money?

Mr. HOWARD. Both; a good deal of it was done by mortgages, but it amounted to the same thing.

Mr. HANNA. And these mortgages were foreclosed on these lands?

Mr. HOWARD. Yes, sir.

Mr. BURCH. Maj. Howard, proceed. We are taking up the valuable time of the committee; I do not want to be irritable, but we must hurry along with the examination. Tell us what effect this had upon the Indians.

Mr. HOWARD. Well, when they sold their lands, they stopped farming and enjoyed the proceeds. In some instances, it did not last very long. The mixed bloods handled their own funds, but the full bloods and the minors did not handle their funds. Their funds were held as individual Indian money, and there is quite an amount of that remaining to those, but the funds of those who handled their own money were soon dissipated in the majority of cases.

Mr. BURCH. What have you to say about timber affairs there on the reservation?

Mr. HOWARD. The west portion of that reservation is prarie land. There are 32 townships remaining. The next belt is hardwood, and on the eastern portion is pine. Practically all of the pine had been sold before I went there. The first winter that I was there there was considerable activity among lumber concerns. There are three large lumber companies, the Nicholas-Chisholm Lumber Co., the Wild Rice Lumber Co., and the Park Rapids Lumber Co., and they were engaged in logging there. Their logs were run out to their mills, which are located outside of the reservation. In addition, there were numerous small concerns, and with these I had the most to do. These concerns, operating small portable mills, would buy logs from anybody that brought them in, and in a great many cases the logs were stolen, and I was kept busy with my help in running down trespass cases. The first winter we collected several thousand dollars for trespasses, and that money is on deposit.

Mr. BURCH. Had large quantities of lumber been purchased and the lumber taken off at that time, or was it taken off after that time by the large mill companies?

Mr. HOWARD. It had been taken off at that time—that is, a large portion of it—and they are still engaged in cleaning it up.

Mr. BURCH. What have you to say relative to the conditions you found there as to the full-bloods and the minors of mixed blood?

Mr. HOWARD. I found some cases where full-bloods had sold pine. These cases we investigated, and I was informed by the Nicholas-Chisholm Lumber Co. that any land that they claimed to hold that they did not have a right to would be cheerfully deeded back. Some of the smaller concerns paid the stumpage value of the logs they had seized.

Mr. BURCH. These were logs that came from minors and full-bloods?

Mr. HOWARD. Yes, sir. I have had no trouble with the large lumber companies. My trouble has been with the small fellows that would go in and buy 40 acres of land and put up a small portable mill and cut everything around them. These are the people we have had the most difficulty with.

Mr. BURCH. Have you generally found these Indians to be provident or improvident?

Mr. HOWARD. They are generally improvident. They are like children, many of them.

Mr. BURCH. I would like to have you state what is the custom or law or rule or regulation, or whatever it might be called, with regard to holding councils of the Indians—that is, the tribal councils or subtribal councils. Please state what the custom is.

Mr. HOWARD. The custom has been for the agent to call general councils, giving ample notice, so that the Indians living on the reservation may have time to attend. All these councils are to be held at White Earth.

Mr. BURCH. You say that is the custom?

Mr. HOWARD. Yes, sir.

Mr. BURCH. Is it sanctioned by rule or regulation, or anything like that?

Mr. HOWARD. I understand that that is the way is has always been done.

Mr. BURCH. Is that a law or regulation, or what do you understand it to be?

Mr. HOWARD. I do not understand that there is any law about it, but it has been the custom among the Indians themselves and my predecessors.

Mr. BURCH. During the time you have been there, have there been such councils called by you?

Mr. HOWARD. There have been two general councils since 1908.

Mr. BURCH. Do the councils about matters not pertaining to the United States or property rights in connection therewith have to be called by the Indian agent? Where matters merely concerning the personal affairs of the Indians are involved in the councils—that is, the Indians' own affairs, and not the affairs of the Indians as connected with the United States—does the Indian agent have anything to do with these councils?

Mr. HOWARD. I do not understand you.

Mr. BURCH. I will try to make that plain. When the Indians claim the right to hold councils on matters of their own, or matters peculiarly their own, where the Government is not concerned, and where their property rights are not involved, can these councils be called without the consent of the Indian agent? I would like to know if that is the case?

Mr. HOWARD. That would not be a general council.

Mr. BURCH. No, sir; I am not asking about general councils.

Mr. HOWARD. The different bands or villages frequently get together and talk over their own matters.

Mr. BURCH. In matters that relate to their own property rights, as unconnected with the United States, what is the custom?

Mr. HOWARD. Since I have been there, it is the custom for the agent to call the general council.

Mr. BURCH. How is that general council called?

Mr. HOWARD. It is called usually at the request of the leading men of the bands or the chiefs.

Mr. BURCH. Is it necessary to have a quorum? State what the requisites are?

Mr. HOWARD. I would require a sufficient number to satisfy myself that it was the general desire of the Indians.

Mr. BURCH. And you have had two such councils?

Mr. HOWARD. Yes, sir.

Mr. BURCH. Now, do you know whether there have been certain parties there, or any parties there, holding councils on almost any occasion—that is, frequently holding councils among the Indians?

Mr. HOWARD. Yes, sir.

Mr. BURCH. Were they brought to your attention?

Mr. HOWARD. Yes, sir; one of them.

Mr. BURCH. Were they brought to your attention officially for your sanction?

Mr. HOWARD. I will explain.

Mr. BURCH. All right.

Mr. HOWARD. In 1909 there was a general council that resulted in a great deal of friction on that reservation. One of the subjects was the selection of an attorney to be employed by the tribes. The first council I called on June 16th, and it was adjourned twice, and a great deal of feeling resulted. Another thing that arose at that council were applications for enrollment among the bands, and that was referred to a general council for disposition by the Indians in open council. At this 1909 council there were about 100 applications. There was a great deal of friction over admitting them. Some were admitted at the close of the council, but the chairman or head chief, May-zhuck-e-ge-shig, came to me and refused to sign the proceedings that were brought before him. The proceedings were eventually sent here to the Department without his signature, with a letter of explanation. At that time May-zhuck-e-ge-shig and several other head men—I have the names at home—came to me and requested me never to call another council until they personally requested it, and there has been no other council called until the past summer.

Mr. BURCH. What was the cause of this representation made to you?

Mr. HOWARD. Friction between some mixed bloods at White Earth and the Indians of the other bands.

Mr. BURCH. What particular mixed-bloods at White Earth were concerned that you know of?

Mr. HOWARD. The leader of the mixed-bloods is Beaulieu.

The CHAIRMAN. What is his first name?

Mr. HOWARD. Gus Beaulieu.

Mr. BURCH. Do you know, or have you heard of a sort of spring-wagon method of holding councils, that is, traveling around and picking up Indians and holding councils with them?

Mr. HOWARD. I know all about it.

Mr. BURCH. Tell the committee about that?

Mr. HOWARD. Last year sometime—I can not give the date—I received a communication from the Commissioner of Indian Affairs, notifying me that Mr. D. B. Henderson had been authorized to hold a council of Indians of Leechlake, Casslake, and, I think, at Redlake Reservation, no mention being made of White Earth, for the purpose of negotiating with these Indians relative to his being employed as their attorney. Soon after, Mr. Henderson appeared at the White Earth office, and he had in his hand a notice printed out, with my name printed at the bottom, calling for the council in four days, that is, four week days, thereafter, on the White Earth Reservation, at White Earth. He said that he had thought it proper to save time, and that he was in a hurry and wanted to know if I would approve it. I invited him to sit down and showed him the letter I had received from the department in which no mention was made of White Earth. I told him that I did not understand that it was the intention of the department to hold a council for that purpose on the White Earth Reservation, especially so in view of the fact that the Department of Justice had attorneys in that vicinity looking over legal matters. I stated, however, that I would, if he desired, submit the matter to the department, and that if I was instructed to call the council, I would call it, but that it would require at least 30 days' notice after the call was issued. This was not satisfactory to Mr. Henderson, and they went on and held the council.

Mr. BURCH. They held a council?

Mr. HOWARD. Yes, sir; they held a council at White Earth. I have the record of that council furnished me by the chairman and the secretary over their own signatures. If I recollect right, there were 48 votes present. I have also the list furnished me of the Indians present, and of the persons present nearly all of them were mixed-bloods; in fact, all of them except three. Later, that council was adjourned to meet at Mahnomen. They went to Mahnomen by train, and I have at the office a list of those that made the trip on that train, including the officers, Knickerbocker and Julius Brown——

Mr. BURCH. You need not trouble to give the names.

Mr. HOWARD. I have a report of that council, and there were 24 present and voting. That was called a general council by Mr. Beaulieu. I was censured very strongly in the Tomahawk because I refused to attend that council. When they brought me the report of it, and requested me to approve it and send it here there was attached a certificate which, in substance, read like this: "I certify that I have personal knowledge that a general council was held as above described and that I believe the proceedings of that council represent the sentiments of the Chippewas of this reservation." I refused to sign it, and

I have it there yet. After that Mr. Beaulieu had numerous councils. He took a wagonload and went down to Rice Lake——

Mr. BURCH (interposing). Still on the reservation?

Mr. HOWARD. Yes, sir. I was notified that they had another council, but just how many attended I do not know. He had several of these councils which they engineered, and which they afterwards dignified by claiming that they were general councils.

Mr. BURCH. Do you know anything about sending a delegation here that purported to be a delegation from the tribe last winter?

Mr. HOWARD. I heard that there was to be a council held in George Berry's blacksmith shop at White Earth, but I could not get the date. Afterwards some of the Indians who attended that council came to me and reported that there was a small number gathered together and that they had selected a delegation to come down here to represent the Chippewas on the reservation. I remember some of the names. There was no official list given me or any account of it.

Mr. BURCH. Did you hear afterwards about their being here?

Mr. HOWARD. Yes, sir.

Mr. BURCH. Purporting to represent the White Earth Indians?

Mr. HOWARD. Yes, sir. Later I got a communication from the full-bloods of Pine Point, Gull Lake, and some at Leechlake, and the Mille Lacs and the White Oak Point Indians, requesting me to come to Pine Point and meet them in council. I went over there, and found that they had collected a large number of Indians. They had also invited Judge Long to be there. They said they were going down here to protest against the delegation that had come from the blacksmith shop council being recognized as representatives of the Chippewa Band. They selected their delegates, and I have a list of them. Later they came here, all of them being Indians.

Mr. BURCH. Did you learn after that that they did not appear before a committee of Congress?

Mr. HOWARD. No, sir; I do not remember.

Mr. BURCH. This first delegation are the ones whose expenses were paid by act of Congress later on?

Mr. HOWARD. Yes, sir; $2,500.

Mr. BURCH. And there was a great deal of dissatisfaction over that among the Indians there?

Mr. HOWARD. Yes, sir.

Mr. BURCH. Now, there is some degree of jealousy between the full bloods and mixed bloods, is there not?

Mr. HOWARD. A great deal of friction.

Mr. BURCH. What about?

Mr. HOWARD. Well, the full bloods claim that their ills and woes are the result of the actions of the mixed bloods or a few of them, that they have been swindled and beaten by the mixed bloods. They claim that at the time the land was allotted that they did not get their share of the valuable lands. That is one grievance.

Mr. BURCH. Now, has any attempt been made at any time to influence your action in connection with the tribal affairs there other than officially?

Mr. HOWARD. How is that?

Mr. BURCH. Has any atttempt been made by anybody to influence your action?

Mr. HOWARD. Well, what I have done has generally been from the result of my own investigations.

Mr. BURCH. Has there been any attempt to influence you—I mean, by either side, either faction—in these dissensions or in respect to the property, the land?

The CHAIRMAN. The question goes not to what you did but to attempts made to induce you to do something other than you did?

Mr. HOWARD. Yes; there has been.

Mr. BURCH. Well, if it is worth speaking of, tell the committee what it is.

Mr. HOWARD. I was urged on several occasions, or on one occasion particularly, to assist in the selection of Mr. Richardson as attorney for the tribe at the council of which I speak.

Mr. BURCH. Was that by Mr. Richardson?

Mr. HOWARD. Mr. Richardson himself.

Mr. BURCH. That is not what I am trying to get at. Very likely, if he was a candidate, he would naturally do that and properly, perhaps. What I am trying to get at is whether any of these factions or parties ever endeavored to get you to act unconscionably or unconscientiously in respect to the internal affairs of the tribe or their property affairs?

Mr. HOWARD. You mean the land matters?

Mr. BURCH. Any matters; yes. Land matters or any matters.

Mr. HOWARD. Well, I have had some difficulty with parties who wanted to get fee-simple patents. They claimed I was not using or was not expediting matters as much as I should have expedited them. Shall I go into that and explain the methods?

Mr. BURCH. Well, I do not know what it is. Yes; you may go into it.

Mr. HOWARD. Well, when I went there there were numerous applications for fee-simple patents pending. It was new business to me, and on one of Maj. Michelet's visits there—he was there closing up his accounts with the department—I requested advice from him how to handle them. He told me that he had made it a rule, if I remember now, to never recommend issuing a fee-simple patent unless the application, showing the party to be a mixed-blood, was backed by two affidavits or affidavits of two responsible parties. I followed that rule and sent off quite a number of them, affidavits made by some of the best-known men on the reservation. There was one instance where the father and mother of the boy swore that he was an adult. I soon found that I could not rely on those affidavits, and then when I began to hold up the applications I was censured, and some of those buyers got very wrathy.

The CHAIRMAN. Censured by whom?

Mr. HOWARD. By the land buyers, through the Tomahawk quite often, and I am told that complaint was made here.

Mr. BURCH. Was any proposal made to you by anybody to go into land deals with respect to those Indian lands?

Mr. HOWARD. Yes.

Mr. BURCH. State them.

Mr. HOWARD. About two years ago Mr. Gus H. Beaulieu was in my office looking up some land matters and he stated to me that there was iron on the reservation, probably iron, and that himself, a Mr. Congdon, of Duluth, and Ben Fairbanks were picking up all the

land they could get in that vicinity where they had found indications of iron, and that he had come to me with a proposition to take me in as the fourth man, if I would go in.

Mr. BURCH. Go right along; do not take so much time.

Mr. HOWARD. I have not joined the concern yet.

Mr. BURCH. Do you know anything about this Mr. Congdon?

Mr. HOWARD. He is an iron man, and a very wealthy one, of Duluth.

Mr. BURCH. Well, did you see any operations tending to indicate that that was followed? In the first place, was anybody present when this proposition was made?

Mr. HOWARD. No; just myself and Mr. Beaulieu.

Mr. BURCH. Now, was that renewed at any time?

Mr. HOWARD. Never was renewed.

Mr. BURCH. What did you answer him?

Mr. HOWARD. I told him I would consider it.

Mr. BURCH. Did you ever give him any further answer?

Mr. HOWARD. Never mentioned it to him afterwards.

Mr. HANNA. He is the only one that ever made such a proposition to you, is he?

Mr. HOWARD. I do not recall now of anybody ever suggesting to me to go into land deals except this one man.

Mr. HANNA. And these other men that you speak of have never said anything to you about it?

Mr. HOWARD. No.

Mr. HANNA. Never were there?

Mr. HOWARD. Why yes; Mr. Fairbanks comes in quite often, but I do not know that he ever alluded to the matter.

Mr. BURCH. Who is this Ben Fairbanks?

Mr. HOWARD. He is a merchant there; a mixed-blood.

Mr. BURCH. A man of considerable wealth?

Mr. HOWARD. He is the wealthiest man on the reservation, probably; he has that reputation.

Mr. GEORGE. May I ask you how this Beaulieu is related to Clement H. Beaulieu?

Mr. HOWARD. Brothers.

Mr. BURCH. Is Gus Beaulieu a man who advertised for timber and timber lands, or, at least, has he sought to buy timber and timber lands for the Nicholas-Chisholm Lumber Co.?

Mr. HOWARD. Yes; he is understood to be their agent, and he has a card in his paper, or did have; it may be running yet. "The highest prices paid for timber and pine lands," etc.; that was the form of it.

Mr. FERRIS. You are the Indian agent there, I believe you stated?

Mr. HOWARD. Yes, sir.

Mr. FERRIS. In charge of the agency?

Mr. HOWARD. Well, the term "agent" has been changed to "superintendent"; I was appointed an agent in the first place.

Mr. FERRIS. You are now termed "supervisor"?

Mr. HOWARD. Superintendent.

Mr. FERRIS. How many full-bloods have you on the reservation?

Mr. HOWARD. Well, that is a question I can not answer.

Mr. FERRIS. Approximately, how many?

Mr. HOWARD. I think the last roll that was made showed approximately about 1,000.

Mr. FERRIS. And how many mixed bloods does that leave?

Mr. HOWARD. There are between 5,000 and 6,000 on our rolls.

Mr. FERRIS. Then if there are a thousand full-bloods there would be left, approximately, five-sixths or 5,000 mixed-bloods?

Mr. HOWARD. Yes.

Mr. FERRIS. How many of the Indians are English-speaking, that is, speak the English language fluently?

Mr. HOWARD. Well, the mixed-bloods generally.

Mr. FERRIS. All of them?

Mr. HOWARD. Well, perhaps not fluently, but generally I think they can.

Mr. FERRIS. Then there would be on the reservation approximately a thousand full-bloods who would speak the English language little, if at all; is that correct?

Mr. HOWARD. Oh, yes; you could safely assume that a thousand can not speak the English language.

Mr. FERRIS. Then you would say that practically all of the mixed-bloods speak English to some extent and most of them fluently—is that correct?

Mr. HOWARD. Well, no; not fluently.

Mr. FERRIS. What was your statement?

Mr. HOWARD. My experience has been that I have had lots of men before me that I thought understood what I said, but they would not talk without an interpreter.

Mr. FERRIS. What per cent would you estimate of the mixed-bloods do speak English and understand it?

Mr. HOWARD. Seventy-five per cent.

Mr. FERRIS. What trust funds, if any, have these Chippewa Indians on deposit in the Federal Treasury?

Mr. HOWARD. It is a large one, but I can not give you the amount.

Mr. FERRIS. Can you estimate approximately the amount?

Mr. HOWARD. I have seen statements about it, and I think it is about $4,000,000.

Mr. FERRIS. Belonging to the 6,000 allottees of the tribe?

Mr. HOWARD. Yes.

Mr. FERRIS. What is the total acreage of each allotment?

Mr. HOWARD. It consists of an original 80 acres and an addition of 80 acres.

Mr. FERRIS. Making in all 160 acres?

Mr. HOWARD. Practically 160 acres.

Mr. FERRIS. How many fee patents are you issuing per month under a showing made either by or on behalf of the Indian as to his competency?

Mr. HOWARD. Well, not many as to competency; they are usually confined to mixed-bloods. But I can explain a little further. I have had application on the ground of competency that upon investigation I could not indorse.

Mr. FERRIS. You thought they were incompetent?

Mr. HOWARD. Yes.

Mr. FERRIS. That, of course, on your reservation would come from the full-bloods?

Mr. HOWARD. Yes.

Mr. FERRIS. As the mixed-bloods have an avenue to go through under the Clapp Act.

Mr. HOWARD. Yes; they are entitled to it if they are mixed-bloods.

Mr. FERRIS. How many of your Indian wards still own or have allotments in their names?

Mr. HOWARD. I can not answer that question.

Mr. FERRIS. Approximately, how many?

Mr. HOWARD. Last fall, when we made our payment, we inquired of every annuitant whether he had sold or mortgaged his land, and I was astonished to find how much of it had been disposed of.

Mr. FERRIS. You have tract books showing that fact, have you not?

Mr. HOWARD. No; we have not a record of those who have sold.

Mr. FERRIS. Do you not make any effort to check up the recorder of deeds' books with your tract books, so you can tell what lands are still intact and what ones are still unsold?

Mr. HOWARD. I am not keeping an abstract. Owing to the shortage of my help I am not able to do that.

Mr. FERRIS. It would be possible to do that; that is, to check up the county records each month or each week?

Mr. HOWARD. I could, if I had additional help, keep it right up.

Mr. FERRIS. And you could tell from your tract books those that were sold, so that they would no longer need to be under your supervision or inspection, etc.?

Mr. HOWARD. Yes.

Mr. FERRIS. Were you present the other day when the young Indian lady named Kah-deen testified?

Mr. HOWARD. Well, I was in and out.

Mr. FERRIS. Did you hear her testimony with reference to the sum she received for her allotment?

Mr. HOWARD. No; I do not think I did.

Mr. FERRIS. Do you know the amount she did receive?

Mr. HOWARD. I have heard $200.

Mr. FERRIS. Are you familiar with the character of the land on the reservation from one end to the other?

Mr. HOWARD. No; I am not, although I have been over a great deal of it.

Mr. FERRIS. How much of it have you been over and are familiar with?

Mr. HOWARD. Well, I have been into nearly every township.

Mr. FERRIS. You have been into every township?

Mr. HOWARD. Yes; on that reservation.

Mr. FERRIS. What is the general character of the land?

Mr. HOWARD. On the west portion it is prairie.

Mr. FERRIS. How much is prairie—what per cent of the whole reservation?

Mr. HOWARD. Well, the three western tiers of townships are practically prairies.

Mr. FERRIS. How many townships would that make in the aggregate?

Mr. HOWARD. About half of it.

Mr. FERRIS. About half of the whole reservation, then, is prairie?

Mr. HOWARD. Yes; I think so.

Mr. FERRIS. Your statement is, as I understand, that practically half is prairie land?

Mr. HOWARD. But there are oak openings that can be cultivated.

Mr. FERRIS. What per cent of the prairie lands are tillable and suitable for agricultural purposes?

Mr. HOWARD. Practically every allotment has some tillable land.

Mr. FERRIS. What per cent of this prairie section of the reservation would you say was suitable for agricultural purposes?

Mr. HOWARD. Well, in one way I could answer all of it and in another way a great deal of it I would not consider very valuable for agricultural land. There are a great many of these bog places, you know; basins.

Mr. FERRIS. Swampy?

Mr. HOWARD. Well, not really swampy; but in the spring of the year it is covered with water. It would not be suitable for cultivation.

Mr. FERRIS. Well, has any portion of that area just described been cultivated? Are there any farms there or is anybody carrying on agriculture on that prairie section of this reservation?

Mr. HOWARD. Yes; a great deal of it has been farmed and been cultivated, and it is being cultivated now.

Mr. FERRIS. Well, what success are they having with crops there?

Mr. HOWARD. Raising good crops.

Mr. FERRIS. Well, now, Major, what is, as near as you can estimate, the average value of an Indian allotment in the prairie section of your reservation?

Mr. HOWARD. Well, the prairie from $15 to $40 an acre. It would vary according to location.

Mr. FERRIS. Would you say $25 an acre would be a fair average?

Mr. HOWARD. Yes, I think it would.

Mr. FERRIS. Then, if $25 would be a fair average value of the prairie section of that reservation, that would make each allotment of 160 acres worth approximately $4,000; is that correct?

Mr. HOWARD. It would probably average that.

Mr. FERRIS. Probably average a value of $4,000?

Mr. HOWARD. Yes.

Mr. FERRIS. Are you familiar with the prices paid for the allotments that have been sold by these mixed breed of Indians and full-blood Indians and minor Indians on your reservation?

Mr. HOWARD. Some of them.

Mr. FERRIS. What would you say was the average price they have received for the lands that have been sold on that reservation?

Mr. HOWARD. That is, the allottees?

Mr. FERRIS. Yes, the Indian allottees.

Mr. HOWARD. Not over $5 an acre.

Mr. FERRIS. Then the amount actually received for the lands was approximately $5 per acre, and the value of the lands, you say, was practically $25 per acre?

Mr. HOWARD. I think so, yes, sir; that would be my judgment.

Mr. FERRIS. Then, in your judgment, the Indian allottees of the prairie section of that reservation have received approximately one-fifth of the real value; is that your estimate?

Mr. HOWARD. On an average, I would say; yes.

Mr. FERRIS. How many allotments would you say were, at this time, being sold under the Clapp amendment?

Mr. HOWARD. Sales are very much restricted by the provisions of he Burke Act of June 25, 1910, but there are some sales, I am told, eing made now.

Mr. FERRIS. To what extent does the Burke Act of 1910 repeal he Clapp amendment or modify it?

Mr. HOWARD. Well, it prohibits the sale of any Indian allotment, ractically.

Mr. FERRIS. Do you want your answer to go just like that?

Mr. HOWARD. Well, that is my understanding of it.

Mr. FERRIS. How many sales per month would you say are still oing on under the Clapp amendment?

Mr. HOWARD. Well, that I have no means of knowing.

Mr. FERRIS. You have not consulted the register of deeds or the ecorder of deeds to ascertain as to the number being sold?

Mr. HOWARD. No.

Mr. FERRIS. In how many counties does this reservation appear r how many counties does it cover?

Mr. HOWARD. It is in three counties.

Mr. FERRIS. Then in order to ascertain just the number of sales hat is actually taking place or have taken place in the past you would have to consult the recorder of deeds in three counties, would ou not?

Mr. HOWARD. Yes; in the counties of Becker, Mahnomen, and Clearwater.

Mr. FERRIS. I wanted to inquire, Major, what is the value of that portion of the reservation that you referred to awhile ago as being partially covered with pine timber and partially with hard wood? What is your estimate, either by the acre or by the quarter section, as to the value of those lands?

Mr. HOWARD. The pine land that I have been over, or been across, is generally light soil.

Mr. FERRIS. You mean by that poor soil?

Mr. HOWARD. Sandy.

Mr. FERRIS. Poor?

Mr. HOWARD. Yes; I would not call it very valuable, although this year they are raising their best crops on that reservation over in the vicinity of Ponsford, or Pine Point; they have had rains there, but that is generally a light soil.

Mr. GEORGE. Is that the east or the west?

Mr. HOWARD. That is the east portion. Now, some of that pine timber is also on clay, heavy clay, and that, when cleared off, will be fairly good agricultural land, very much of it, and the oak-timber part of that will be good agricultural land in the future.

Mr. FERRIS. My question was: What is your estimate of the value, the cash value, per acre of every allotment of those lands?

Mr. HOWARD. After the timber is cut off?

Mr. FERRIS. No; at the time they were allotted and sold, and before the timber was cut off.

Mr. HOWARD. Well, I have heard of allotments selling for as high as $20,000 years ago.

Mr. FERRIS. Was that in the hardwood section or in the pine section?

Mr. HOWARD. In the pine section.

Mr. FERRIS. On this particular reservation?

Mr. HOWARD. On this reservation.

Mr. FERRIS. What would be the average value of the pine lands per allotment?

Mr. HOWARD. Well, it would depend, of course, upon the timber and its location, the distance of haul, and so forth.

Mr. FERRIS. Undoubtedly, but what would be a reasonable estimate?

Mr. HOWARD. From $8 to $10 a thousand, stumpage.

Mr. FERRIS. What I am trying to get at is the total value, approximately, of one entire allotment, the average value?

Mr. HOWARD. Well, I should want to look at the estimates of timber before I could tell the value.

Mr. FERRIS. You would not even care to make an estimate as to the average value of the pine land?

Mr. HOWARD. Well, some of the pine land had very little on and some of it was very heavy.

Mr. FERRIS. Now, what would be an average, a mean average?

Mr. HOWARD. Well, that is a difficult question to answer.

Mr. FERRIS. Would it be of greater or less value than the prairie land?

Mr. HOWARD. Oh, yes; much greater.

Mr. FERRIS. Twice as great.

Mr. HOWARD. Yes; on an average twice as great.

Mr. FERRIS. Then would an estimate of $8,000 per allotment be much out of the way?

Mr. HOWARD. I do not believe it would.

Mr. FERRIS. Would you care to let that go as an estimate of the average value?

Mr. HOWARD. Well, I would hardly be competent to pass upon that.

Mr. FERRIS. Have you anyone here, connected with the agency, that has traversed these lands sufficiently to be able to testify as to that?

Mr. HOWARD. No, I have not; you see the timber has been removed from it.

Mr. FERRIS. But that was subsequent to sale rather than prior thereto?

Mr. HOWARD. And since the timber has beeen cut off there have been big fires through there, and things have been destroyed to such an extent that it would be pretty difficult to go in there and say what there was.

Mr. FERRIS. I presume that is true, but my question was whether the timber was cut before or after the sale?

Mr. HOWARD. I do not know.

Mr. FERRIS. You do not, as the Indian agent of that agency, permit the cutting of timber on allotments before sale, do you?

Mr. HOWARD. No; not if I know it.

Mr. FERRIS. You try to prevent it. Do you have rangers and farmers to protect the reservation?

Mr. HOWARD. So far as the full-bloods and minors are concerned, we are looking after that very closely.

Mr. FERRIS. You have broken away from the mixed-bloods so far as the protection of the agency is concerned?

Mr. HOWARD. Yes; we do not interfere with their property at all.

Mr. FERRIS. So you do not know whether these timbers were cut off before the sale or after the sale?

Mr. HOWARD. No.

Mr. FERRIS. If they were cut off before the sale there would be a case of neglect against the authorities there who had it in charge, would there not?

Mr. HOWARD. Well, I could not answer that.

Mr. FERRIS. If they permitted timber to be cut from the Indian allotments while they were under their charge, it would be a case of neglect, would it not?

Mr. HOWARD. There was a large amount of timber seized by my predecessor.

Mr. FERRIS. From timber thieves?

Mr. HOWARD. No; from one of the large companies. There was a dispute as to the allottees' status; that is, the full-bloods and the minors. Maj. Michelet seized some two or three hundred thousand feet on the ice. The matter was finally settled in the courts, but I do not know how.

Mr. FERRIS. You spoke awhile ago of the Indian council. Do you have a business committee of the Indians that act in conjunction with you with reference to Indian matters?

Mr. HOWARD. They appointed one this year at Pine Point, and that is the first one we have had.

Mr. FERRIS. Was that committee elected by a caucus or council of the Indians?

Mr. HOWARD. That committee was selected by the full-bloods at Pine Point, representing the bands that were there at that time.

Mr. FERRIS. Have they presented themselves to you and asked to be recognized as the representatives of their tribes?

Mr. HOWARD. Well, I was there at the time.

Mr. FERRIS. That was done with your sanction?

Mr. HOWARD. I was invited to be present.

Mr. FERRIS. And the appointing of that business committee was done with your sanction?

Mr. HOWARD. Yes, sir.

Mr. FERRIS. And do you now recognize them as the representatives?

Mr. HOWARD. I have.

Mr. FERRIS. And you counsel with them and cooperate with them in arriving at conclusions about their affairs?

Mr. HOWARD. Yes.

Mr. FERRIS. How many are on that business committee?

Mr. HOWARD. I think there are five.

Mr. FERRIS. Do you have any of them here with you?

Mr. HOWARD. No.

Mr. FERRIS. What views do they have about this proceeding that is going on before this committee, or have you not consulted them about it?

Mr. HOWARD. I have not consulted with them about this; I was notified to come here on short notice.

Mr. FERRIS. Do you anticipate bringing any of them before this committee to let us have the benefit of their views?

Mr. HOWARD. I do not know what the policy of the Department of Justice is.

Mr. FERRIS. What occasioned the bringing of your force here at this time, Major?

Mr. HOWARD. I was requested by Judge Long at Detroit to look up two or three of these girls that were named and bring them to Detroit for Mr. Hinton to bring here.

Mr. FERRIS. Who is Mr. Long?

Mr. HOWARD. He is in charge of the Department of Justice; he is the attorney there at Detroit.

Mr. FERRIS. Well, he did not say to you what his purpose was in bringing this proceeding before the committee at this time, did he?

Mr. HOWARD. The way it happened was this: My interview was very brief. I had arranged to accompany Judge Long to Milaca, where there was some trouble with our Indians over there. Well, I came down on the train to Detroit; as I stepped off the train he came to me and said I must go back, "To go down to the office and Mr. Hinton would explain." He went on to Milaca and I have not seen him since to talk with him, although I think I did see him as we came through Detroit.

Mr. FERRIS. Who is Gus Beaulieu?

Mr. HOWARD. He is a mixed-blood who lives at White Earth.

Mr. FERRIS. You would not think that editorial comments, favorable or otherwise, were sufficient to engage the American Congress in an investigation of this kind, would you?

Mr. HOWARD. Well, Gus Beaulieu's paper up there has very little weight.

Mr. FERRIS. You do not care anything about it?

Mr. HOWARD. I do not pay any attention to it. It is considered there by most of us to be a compliment to have Gus abuse us. I want to go on record by just explaining it in that way.

Mr. FERRIS. I wanted to ask you a little further. How long has there been a desire on the part of the Chippewa Indians to employ independent attorneys, independent of the regular agency force?

Mr. HOWARD. There is no desire among them since I have been there, to my knowledge, to have an attorney.

Mr. FERRIS. I thought you stated they were going from place to place holding a council and caucus for the purpose of determining whom they should hire?

Mr. HOWARD. That was before; they did that, the mixed bloods did that.

Mr. FERRIS. They are Indians, are they not?

Mr. HOWARD. Yes, the mixed bloods, under a false lead, attempted to force an attorney on the tribe, but the full-bloods resisted that.

Mr. FERRIS. To what extent does Beaulieu represent the five-sixths of mixed bloods of the entire tribe?

Mr. HOWARD. Not many of them.

Mr. FERRIS. How many of the five-sixths would you say were followers of his?

Mr. HOWARD. Well, I could not say.

Mr. FERRIS. What business is he engaged in other than as editor of the Tomahawk?

Mr. HOWARD. A professional agitator.

Mr. FERRIS. Well, what does he agitate?

Mr. HOWARD. Anything.

Mr. FERRIS. Does he invest in lands?

Mr. HOWARD. Yes; he has been a very extensive dealer in lands.

Mr. FERRIS. Is he a man of wealth?

Mr. HOWARD. Well, that is a question. I am told he has been worth a great deal of money, but I am also informed by those who are trying to collect bills that he is execution proof.

Mr. FERRIS. How much Indian blood has he?

Mr. HOWARD. Well, that I could not answer.

Mr. FERRIS. About how much?

Mr. HOWARD. I could not answer that.

Mr. FERRIS. Does he show the Indian in his face, or is he practically a white man?

Mr. HOWARD. I would say he was a quarter.

Mr. FERRIS. Three-fourths white?

Mr. HOWARD. Perhaps about that; that would be my estimate. He shows the Indian.

Mr. FERRIS. Have the Indians up there ever hired an attorney on their own accord?

Mr. HOWARD. Not to my knowledge.

Mr. FERRIS. Not since you have been there?

Mr. HOWARD. Yes, they did; but before I went there.

Mr. FERRIS. Whom did they hire?

Mr. HOWARD. They hired Richardson.

Mr. FERRIS. Who is he?

Mr. HOWARD. Well, he was the attorney when I went there.

Mr. FERRIS. Does he live here in Washington or is he a Minnesota attorney?

Mr. HOWARD. He lives here. And at the council that was called to reemploy him the Indians expressed a great deal of surprise that such a thing had been done. They did not know he had ever been employed.

Mr. FERRIS. Who employed him?

Mr. HOWARD. Beaulieu, so they claimed; but that was before my time.

Mr. FERRIS. Does Beaulieu hold any commission from any faction of this tribe of Indians?

Mr. HOWARD. He claims to have employed Richardson by virtue of authority conferred by a general council.

Mr. FERRIS. Was that true or false?

Mr. HOWARD. I do not know. The Indians denied it.

Mr. FERRIS. Did they hold a general council?

Mr. HOWARD. I could not say; it was before my time.

Mr. FERRIS. He claimed the authority emanated from a council that was held prior to your taking charge of the agency?

Mr. HOWARD. Yes, sir.

Mr. FERRIS. Richardson is a Washington attorney, is he?

Mr. HOWARD. He lives here in Washington.

Mr. FERRIS. Was his contract with Beaulieu and those Indians approved by the department or not?

Mr. HOWARD. I think it was.

Mr. FERRIS. You think the department here in Washington approved it?

Mr. HOWARD. Yes.

Mr. FERRIS. And since that time they have had no attorney other than the regular attorneys of the United States and the specially detailed attorneys by the Government, is that correct?

Mr. HOWARD. At the council they had so much friction and there were crooked deals, so that Mr. Richardson's application for a renewal was turned down by the department, and there has been no attorney since.

Mr. FERRIS. What did they pay Richardson annually as attorney, if you know?

Mr. HOWARD. I think it was $3,000 a year and expenses.

Mr. FERRIS. How many years did he work?

Mr. HOWARD. Well, I do not know; he was there when I came.

Mr. FERRIS. That fee was approved by the department and paid from the tribal funds, was it not?

Mr. HOWARD. I could not say how it was paid; it did not pass through my hands.

Mr. FERRIS. You do not know whether it was paid by popular subscription or paid out of the trust fund?

Mr. HOWARD. No; I do not.

Mr. FERRIS. You say that Beaulieu, on behalf of himself and a land company he was promoting, offered you a one-fourth interest in some mineral lands?

Mr. HOWARD. He claimed to be buying land with those other parties.

Mr. FERRIS. Did he want you to buy that one-fourth interest or did he agree to donate a fourth to you?

Mr. HOWARD. Well, it was to take me in on equal shares.

Mr. FERRIS. Without any remuneration from you at all?

Mr. HOWARD. I suppose I would have had to pay for my share if I had gone in.

Mr. FERRIS. Did you infer that he attempted to bribe you or fluence your action in administrative matters when he made you at proposal?

Mr. HOWARD. Well, after I thought it over I decided I might have got into a scrape.

Mr. FERRIS. Well, you are acquainted with the fact that there is a United States statute which prevents any Indian employee from purchasing any Indian lands?

Mr. HOWARD. Yes, sir; and I was satisfied it was done for a trap.

Mr. FERRIS. You think it was done for a trap to embroil you rather than——

Mr. HOWARD (interposing). To get me into trouble; that is the way I took it.

Mr. FERRIS. You do not think it was made in good faith?

Mr. HOWARD. Well, I would not say. He acted in good faith when he talked.

Mr. FERRIS. Did you take any offense at it at the time he made this proposal to you?

Mr. HOWARD. He came in there to get some information and in the course of the conversation, and before he went out, he turned around and made that statement and went out.

Mr. FERRIS. I do not think you understood my question. I will ask the stenographer to repeat it.

(The stenographer repeated the question as follows: Did you take any offense at it at the time he made this proposal to you?)

Mr. HOWARD. I have been very careful to avoid any friction with Mr. Beaulieu.

Mr. FERRIS. Then I gather from your answer that you made no open protest?

Mr. HOWARD. I answered him that I would see about it, or I would consider it.

Mr. FERRIS. You merely passed it by, saying you would see about it or would consider it? What did you mean when you said you would consider it? Did you then determine you would not go in with him?

Mr. HOWARD. Yes; I said it to get rid of him.

Mr. FERRIS. Whom did you first tell about that proposal to you—after it occurred?

Mr. HOWARD. Why, my recollection is that the first I mentioned it to was Judge Burch.

Mr. FERRIS. When?

Mr. HOWARD. I think in Detroit.

Mr. FERRIS. When?

Mr. HOWARD. When I was there sometime—either to Judge Burch or Judge Long, but I could not say the exact date.

Mr. FERRIS. Recently?

Mr. HOWARD. Oh, yes; within a year.

Mr. FERRIS. Where did you say the proposal was made?

Mr. HOWARD. In my office.

Mr. FERRIS. Two years ago?

Mr. HOWARD. About a year and a half ago.

Mr. FERRIS. I believe you said there was no one present when this proposal was made?

Mr. HOWARD. No; it was in my office. Mr. Beaulieu was on one side of the table and I was on the other.

Mr. FERRIS. Well, now, you are still the superintendent of that agency?

Mr. HOWARD. Yes, sir.

Mr. FERRIS. And have been for three years?

Mr. HOWARD. Three years in May.

Mr. FERRIS. Well, what would you say, or what would your recommendation be, with reference to the repeal of the Clapp amendment.

Mr. HOWARD. Well, there is quite an amount of land there unallotted; there is also a new schedule being prepared, which embraces principally the lands selected for the swamp lands, some 26,000 or 28,000 acres.

Mr. FERRIS. Are they school lands or State lands?

Mr. HOWARD. Lands of the State of Minnesota claimed under the swamp act, some 26,000 or 28,000 acres. Now, that schedule is in process of completion and will soon be sent in here for approval. Now, those lands and the lands still unallotted are practically on hand there yet.

Mr. FERRIS. I did not desire to ask you as to the unallotted lands, neither did I care to ask you with reference to the lieu lands or swamp lands. My question was: What would be your recommendation, as the Indian agent in charge of that agency, with reference to the Clapp amendment, which removes wholesale restrictions on all adult mixed-bloods?

Mr. HOWARD. Well, that is a matter I had not considered at all.

Mr. FERRIS. Well, you, as the Indian agent, must be deeply interested in the protection of the Indian lands, are you not?

Mr. HOWARD. I am, but most of those lands have already been disposed of. Now, by the repeal of the Clapp amendment you would probably stop the disposal of the balance.

Mr. FERRIS. Well, would that be desirable or undesirable?

Mr. HOWARD. I think it would be desirable.

Mr. FERRIS. What per cent of the lands coming under the Clapp amendment is yet unsold and intact?

Mr. HOWARD. I can not answer that question.

Mr. FERRIS. Can you estimate about how much, either by per cent, acreage, or area?

Mr. HOWARD. I could not.

Mr. FERRIS. You would not want to make an estimate at all?

Mr. HOWARD. My impression is that the most of the mixed-blood land has been sold.

Mr. GEORGE. Can you give any estimate as to the value of that land?

Mr. HOWARD. Of the remaining land?

Mr. GEORGE. Yes.

Mr. HOWARD. On the reservation?

Mr. GEORGE. Yes.

Mr. HOWARD. From $5 to $20 an acre.

Mr. GEORGE. Well, is it of the same nature as the land that has already been disposed of under the Clapp amendment?

Mr. HOWARD. Well, the best of the pine has been disposed of; the most valuable tracts of pine timber have been disposed of.

Mr. GEORGE. I would like to ask about the mineral lands in the White Earth Reservation. You say that this conversation with Mr. Beaulieu occurred two years ago?

Mr. HOWARD. About a year and a half ago.

Mr. GEORGE. Had you ever heard, before that time, of any minerals on the reservation?

Mr. HOWARD. Yes; parties had brought into the office some pieces of ore—apparently ore—that they had picked up over near what is called the Mill Reserve. We have some land reserved there.

Mr. GEORGE. Is that in the eastern portion?

Mr. HOWARD. That is in the northeastern portion.

Mr. GEORGE. What kind of ore was that?

Mr. HOWARD. Iron ore, apparently.

Mr. GEORGE. Could you tell anything about the quality of it?

Mr. HOWARD. No; I am not an expert. But I had some cruisers there——

Mr. GEORGE (interposing). Some what?

Mr. HOWARD. Some Government cruisers. And I showed it to them and told them to make a careful examination out there for any indications of ore, and Mr. Carr reported to me that he has found no indications whatever of any iron on that reservation. But I have heard that some Duluth parties—supposed to be from there—had a drill in there somewhere, with which they had put down a hole, and moved it off again very quietly. What they found is not known.

Mr. GEORGE. When did you get this information?

Mr. HOWARD. About the drill?

Mr. GEORGE. Yes.

Mr. HOWARD. Last fall.

Mr. GEORGE. Did you have any other information whatever at the time of the coversation, about ore on the White Earth Reservation?

Mr. HOWARD. Yes; I had heard others talk about it, and so I sent my cruisers out there to investigate.

Mr. GEORGE. Has the Geological Survey ever produced any information on that subject?

Mr. HOWARD. Not to my knowledge.

Mr. GEORGE. Has the Government in any way made any examination of the lands?

Mr. HOWARD. Not to my knowledge. That land has all been allotted out there, practically all of it, except this Mill reserve.

Mr. GEORGE. Well, what grounds had Mr. Beaulieu for speaking to you about mineral lands—about iron lands?

Mr. HOWARD. He seemed to be very confident the way he talked.

Mr. GEORGE. You refused to be one of the four, but what did you think at the time about the possibilities of iron ore being upon that land?

Mr. HOWARD. Well, I thought there might be iron, and I sent out my cruisers afterwards to look it up.

Mr. GEORGE. How soon afterwards?

Mr. HOWARD. Well, they were out there several times during the next few months—out in that vicinity.

Mr. GEORGE. And what was the result of that?

Mr. HOWARD. They said they did not find anything and no indications.

Mr. GEORGE. Do you know whether these gentlemen who were to be associated with Mr. Beaulieu—Mr. Congdon and Mr. Fairbanks—went ahead with that project?

Mr. HOWARD. I have understood that they bought lands all over there.

Mr. GEORGE. In the belief that they contained iron ore?

Mr. HOWARD. Well, that I do not know.

Mr. GEORGE. Have you ever heard anything more of that project?

Mr. HOWARD. No; only I have heard the general talk that there was possibly iron ore out there.

Mr. GEORGE. Well, from any of these three men?

Mr. HOWARD. I do not think I ever had any further conversation with Beaulieu, but there was another man in my office, Mr. Gill Hartley, of Duluth, who is a millionaire, and he said in my hearing there one day that somebody would find iron ore out northeast; that was about a year ago, and he bought some land there, I think.

Mr. GEORGE. Did you understand that he had had any indications of iron ore?

Mr. HOWARD. He did not tell me; he only made that remark, that somebody would find it some day.

Mr. GEORGE. Have you ever heard of any other kind of mineral in that land on the reservation anywhere?

Mr. HOWARD. Yes; I have heard some fellow say he picked up some coal out there in a creek.

Mr. GEORGE. What creek?

Mr. HOWARD. Some stream over there by the Twin Lakes.

Mr. GEORGE. Is that in the same neighborhood, in the northeast?

Mr. HOWARD. Yes, in the northeast. He claimed to find some coal there, but I did not pay any attention to that.

Mr. GEORGE. Did you talk with him about it?

Mr. HOWARD. Yes; I heard him say he saw it there.

Mr. GEORGE. When was that?

Mr. HOWARD. Well, I do not remember; it was one of my policemen.

Mr. GEORGE. One of the Government policemen?

Mr. HOWARD. Yes; one of the Indian police.

Mr. GEORGE. Did you send out to find out about that?

Mr. HOWARD. Why, I talked with him about it, and I found he was not certain whether it was coal or what it was. I told him to bring it in and let me see it.

Mr. GEORGE. Did he do that?

Mr. HOWARD. No.

Mr. GEORGE. Did you ever send out afterwards to find out about it?

Mr. HOWARD. No.

Mr. GEORGE. Did you ever hear anybody talk about it?

Mr. HOWARD. Nobody but him.

Mr. GEORGE. Well, was it your understanding at the time this pool was talked about that you were to put up money in order to buy a one-fourth interest and buy iron lands?

Mr. HOWARD. Buy any kind of lands, I supposed.

Mr. GEORGE. And you were to pay out money for your share?

Mr. HOWARD. I suppose I would have been taken in as a partner with the others.

Mr. GEORGE. It was to be kind of a blind pool, then?

Mr. HOWARD. I did not investigate any further than that.

Mr. HANNA. Have all of the Indians on this reservation had their allotments?

Mr. HOWARD. No, sir; not all.

Mr. HANNA. There are some to be allotted yet, are there?

Mr. HOWARD. There is a band of Pembina Indians that were given, by an agreement with the Chippewas, one township of land, and that was allotted to them as long as it lasted. Now, there are many of those that did not get any land.

Mr. HANNA. But all of the Chippewas, men, women, mixed-bloods, and full-bloods, have had their allottments, have they not?

Mr. HOWARD. There are a few at Milaca who have not removed over there yet and who have not received allotments.

Mr. HANNA. Is there enough land left to give them their allotments?

Mr. HOWARD. It is doubtful if there is. After we replace this swamp-land deficiency we will be shy of enough land to go around.

Mr. HANNA. Major, a good many of the mixed-bloods have sold their lands or have mortgaged them or lost them under a mortgage; that is what you stated a while ago, is it not?

Mr. HOWARD. Yes; a mortgage was practically a deed; it was given four or five years ago, and they have let it go.

Mr. HANNA. You said also there were about five-sixths of the Indians on the reservation who were of mixed blood?

Mr. HOWARD. Yes.

Mr. HANNA. About 5,000?

Mr. HOWARD. Yes.

Mr. HANNA. Have you any idea at all as to how many of those mixed-bloods still have their allotment left—that is, that are not mortgaged and are not sold?

Mr. HOWARD. Last fall, at the payment, we made a list of the allotments that had been sold by the Indians, the original and the additional allotments, but I do not remember those figures. But it is a large percentage that has been sold.

Mr. HANNA. Seventy-five per cent?

Mr. HOWARD. I should judge so, from my recollection.

Mr. HANNA. And possibly more?

Mr. HOWARD. Yes; of the mixed-bloods.

Mr. BURKE. Major, this reservation, comprising 32 townships, is located in Minnesota, and the country around about it is opened up to settlement and is a developed portion of the State of Minnesota, is it not?

Mr. HOWARD. Yes.

Mr. BURKE. How long has that country been occupied by white people and developed about this reservation?

Mr. HOWARD. Oh, some of it for 30 years.

Mr. BURKE. Is there any portion of that surrounding country, immediately adjacent to this reservation, that has any mineral value?

Mr. HOWARD. No; I do not think there is.

Mr. BURKE. Has it ever been seriously suggested by anyone that there is any mineral in this White Earth Reservation?

Mr. HOWARD. Well, there has been talk.

Mr. BURKE. Well, it has not been anything more than talk, has it?

Mr. HOWARD. No; I have never considered it as founded on any——

Mr. BURKE. Is there any coal in any part of Minnesota anywhere?

Mr. HOWARD. Not in any quantity that I have ever heard of.

Mr. BURKE. No coal that has any commercial value that you know of; so there is really no real serious thought that there is any mineral in this White Earth Reservation?

Mr. HOWARD. I do not think there is.

Mr. BURKE. No. I believe you stated that you went to this reservation as agent or superintendent in May, 1908. Is that correct?

Mr. HOWARD. Yes, sir.

Mr. BURKE. And at that time how long had the law been upon the statute books authorizing the mixed-blood adult Indians to sell their allotments?

Mr. HOWARD. The Clapp Act was passed in 1906, if I remember.

Mr. BURKE. And the amendment in 1907, was it not?

Mr. HOWARD. In 1907.

Mr. BURKE. Then it was about two years that this law had been in operation?

Mr. HOWARD. Yes, probably.

Mr. BURKE. You made the statement early in your statement that about 80 per cent of the land had been sold when you went there. Did you mean that statement?

Mr. HOWARD. Well, did I put it 80 per cent?

Mr. BURKE. To refresh your recollection, did you send out letters to find out who wanted to farm, and did you find out that about 80 per cent——

Mr. HOWARD. Of the list I had; that is my recollection.

Mr. BURKE. I did not think you meant to say that 80 per cent was sold at that time. Now what per cent do you think had sold their land at the time you went there?

Mr. HOWARD. Of the entire reservation?

Mr. BURKE. Yes.

Mr. HOWARD. Well, I have no means of knowing.

Mr. BURKE. You do not know just to what extent lands have been sold or mortgaged since May, 1908?

Mr. HOWARD. Until we took that list last fall.

Mr. BURKE. And you can not distinguish how much of it may have been sold or mortgaged before you went there and how much afterwards?

Mr. HOWARD. No; I have no means of knowing.

Mr. BURKE. After you went to the reservation as superintendent or agent, did you take any action looking toward advising the full-blood Indians, the mixed-blood minor Indians, that they must not sell their land; was there anything done toward discouraging them in selling their lands?

Mr. HOWARD. I did on every occasion——

Mr. BURKE. Well, what did you do?

Mr. HOWARD (continuing). Advise them to keep their lands.

Mr. BURKE. Did you go out among them?

Mr. HOWARD. I was among them a good deal, and then when they would come to the office I would talk to them through an interpreter.

Mr. BURKE. Now, in order that the committee may know something about the administration of this agency, I wish you would give us the employees of the agency, stating who they are; that is, what positions they have, etc. You are the superintendent, I believe?

Mr. HOWARD. I am the superintendent.

Mr. BURKE. Now, what else do you have?

Mr. HOWARD. W. D. West is chief clerk.

Mr. BURKE. What salary do you receive as agent?

Mr. HOWARD. Do you want me to give them as they are now?

Mr. BURKE. Well, the positions, and then I will inquire further. What salary do you receive?

Mr. HOWARD. $2,100.

Mr. BURKE. Now, you say you have Mr. West as chief clerk. What salary does he receive?

Mr. HOWARD. $1,200.

Mr. BURKE. Who else?

Mr. HOWARD. Mr. Peterson is assistant clerk, at $900.

Mr. BURKE. All right; go ahead.

Mr. HOWARD. He is assistant clerk and stenographer. Then there is Miss Warren, an Indian here, at $70 a month.

Mr. BURKE. What is her position?

Mr. HOWARD. Stenographer and interpreter. She is on the agency rolls, but she is detailed with the Department of Justice—has been for something over a year.

Mr. BURKE. All right. Proceed.

Mr. HOWARD. William Daily, an Indian, assistant clerk, at $900.

Mr. BURKE. Anybody else?

Mr. HOWARD. D. F. Porter, an Indian, superintendent, at $60 a month.

Mr. BURKE. Superintendent of what?

Mr. HOWARD. He is overseer. He has charge of the allotments.

Mr. BURKE. Who else?

Mr. HOWARD. O. W. Dummert, property clerk; a white man, at $60 a month. Then a mixed-blood Indian named Boswell, and his wife, as cook and interpreter at the indigent home—both Indians. Boswell receives $300 and his wife receives $480.

Mr. BURKE. All right.

Mr. HOWARD. Miss Powless, an Indian, matron at the indigent home; she receives $600 a year.

Mr. BURKE. Suppose you tell us what this indigent home is.

Mr. HOWARD. It is a place where we take care of old and indigent Indians.

Mr. BURKE. How many have you got in there?

Mr. HOWARD. Well, it varies. During warm weather they get out and go into the woods. In the winter we have it full, sometimes as many as 50 have been provided for there.

Mr. BURKE. How is it maintained?

Mr. HOWARD. By the allowances made by the department for rations.

Mr. BURKE. Out of moneys belonging to the Indians?

Mr. HOWARD. Yes.

Mr. BURKE. And that was authorized, I believe, by some treaty arrangement with the Indians and the Government?

Mr. HOWARD. I think so. It was an institution that was there when I came, and we have made our annual estimates, and the department has very liberally provided for it.

Mr. BURKE. Now proceed with the list. Miss Powless, I believe, was the last one. Who else?

Mr. HOWARD. Then we have a white woman, Mrs. Thurston. She is in the classified service, and so are those others I have mentioned, those white people. She is matron at the hospital. And we have two Indians at the hospital as assistants.

Mr. BURKE. What does Mrs. Thurston get?

Mr. HOWARD. Sixty dollars, if I remember. We have two Indians there as assistants and cooks. I do not recall just what they are paid. That I think is all of the hospital and indigent home employees.

Mr. BURKE. Do you have any physician?

Mr. HOWARD. Oh, yes. We have on the reservation.

Mr. BURKE. Mrs. Thurston is at the hospital, is she?

Mr. HOWARD. She is at the hospital. She gets $60.

Mr. BURKE. She has two Indian girls, and what do they get?

Mr. HOWARD. One of them is cook. She gets $25. What is that other one's name [addressing a lady in the committee room]?

Mr. BURKE. It does not matter.

Mr. HOWARD. They are about the same, about $25.

Mr. BURKE. How many policemen?

Mr. HOWARD. I have got 20 Indian policemen scattered over the reservation.

Mr. BURKE. What do they get?

Mr. HOWARD. The two captains receive $30 a month and one ration; the privates receive $20 a month and one ration. They look after the 32 townships.

The CHAIRMAN. Twenty-two altogether, or 20 altogether?

Mr. HOWARD. Twenty altogether now. I have had two more but have had to reduce them.

Mr. BURKE. Do you have an agency physician?

Mr. HOWARD. There is an agency physician.

Mr. BURKE. Who is he?

Mr. HOWARD. Dr. Richards.

Mr. BURKE. What does he get?

Mr. HOWARD. $1,200. Then an agency physician, Dr. Cook, also gets a thousand dollars, and an agency physician at Beaulieu a thousand dollars.

Mr. BURKE. What is his name?

Mr. HOWARD. Well, I have three more. Some of them are recent arrivals. There is Dr. Green and the one at Beaulieu who are the regulars. The other one is an employee, temporary.

Mr. BURKE. Well, how many altogether?

Mr. HOWARD. I have five.

Mr. BURKE. Four physicians, at a thousand dollars each?

Mr. HOWARD. Yes.

Mr. BURKE. And then there is an assistant, is there?

Mr. HOWARD. There is one at Pine Point, one at Beaulieu, two at White Earth, the hospital and all, and the assistant that attends to the house-to-house canvass on the reservation, making a report of tuberculosis and other diseases.

Mr. BURKE. That would make five?

Mr. HOWARD. Five in all.

Mr. BURKE. They all get a thousand dollars a year?

Mr. HOWARD. Yes, sir.

Mr. BURKE. Are these men regularly in the service or are they practicing physicians?

Mr. HOWARD. Four of them are on the classified list and the other is an employee.

Mr. BURKE. Do any of them carry on a general practice, do you know?

Mr. HOWARD. The doctor at Pine Point attends to outside practice there, off the reservation. The doctor at Beaulieu, I think, attends to white and Indians alike if they call on him, and the doctors at White Earth do, but nearly all are Indians.

Mr. BURKE. What are the duties of these physicians generally?

Mr. HOWARD. To respond to calls when made on them.

Mr. BURKE. From whom?

Mr. HOWARD. From the Indians.

Mr. BURKE. Are they supposed to respond to calls that may be made by others than full-blood Indians?

Mr. HOWARD. There is no distinction.

Mr. BURKE. Who pays them?

Mr. HOWARD. They are paid a salary.

Mr. BURKE. By whom?

Mr. HOWARD. By the department.

Mr. BURKE. From public funds or from their own funds?

Mr. HOWARD. From the public funds, from the Indian funds, I suppose.

Mr. BURKE. Then, from the funds of the tribes?

Mr. HOWARD. Yes.

Mr. BURKE. And is that a treaty matter or is the Government using the tribal funds to pay these physicians on the theory that it has that authority, if you know?

Mr. HOWARD. I do not know.

Mr. FERRIS. You don't know where the funds come from?

Mr. BURKE. Well, he is not certain about it. I do not understand and thought perhaps you could clear it up as to why the United States would pay physicians to respond to calls in response from persons

whom the Government has ceased to exercise control over, as is the case with five-sixths, I think you stated, of the Indians on the White Earth Reservation.

Mr. HOWARD. My recollection is that they are paid from the fund for civilization of Indians.

Mr. BURKE. Do you issue any rations there?

Mr. HOWARD. To the sick; to the old.

Mr. BURKE. Do you issue any rations to mixed-blood adult Indians?

Mr. HOWARD. If they are hungry.

Mr. BURKE. If they are hungry?

Mr. HOWARD. Or sick, I take care of them.

Mr. BURKE. Then you take care of the mixed-bloods if they need attention, the same as you do the full-bloods?

Mr. HOWARD. Just the same; yes, sir.

Mr. BURKE. And is that done from the funds appropriated for civilization or from an appropriation that may be made from the funds belonging to these Indians in the Treasury?

Mr. HOWARD. I think it is the civilization fund.

Mr. BURKE. You say you do not know how much money this tribe of Indians has in the Treasury to their credit at the present time?

Mr. HOWARD. No; I do not.

Mr. BURKE. Can you tell us how much money these individual Indians have?

Mr. HOWARD. In my hands?

Mr. BURKE. Yes, sir.

Mr. HOWARD. I think the last statement showed about $34,000.

Mr. BURKE. Does that represent all the money that belonged to the individual Indians belonging on the White Earth Reservation so far as you know?

Mr. HOWARD. No; it does not.

Mr. BURKE. What other money?

Mr. HOWARD. I have got in my hands several thousand dollars that I collected as trespass money.

Mr. BURKE. How much——

Mr. HOWARD. I think there was about $6,000 of it now. That money was paid over to me and the settlement approved by the department with this agreement, that if these parties were adjudged adult mixed bloods, then that money was to be returned to the purchaser. So that money is being held in the banks there on deposit.

Mr. BURKE. Now, this individual money, that belongs to Indians, which is under your control, I presume is deposited in banks that have been designated as depositories, is it not?

Mr. HOWARD. Yes; and so with the other money.

Mr. BURKE. And what rate of interest do you get?

Mr. HOWARD. Three per cent.

Mr. BURKE. Is that on time certificates?

Mr. HOWARD. Monthly accounts.

Mr. BURKE. How do you pay that money to the individual Indians?

Mr. HOWARD. By approval of the department.

Mr. BURKE. In what amounts?

Mr. HOWARD. I am authorized to pay not to exceed $25 a month to any one annuitant.

Mr. BURKE. Do you sometimes pay a larger amount on approval of the department where the Indian could make good use of it?

Mr. HOWARD. Yes; where they have had sickness or death or something of that kind.

Mr. BURKE. Have you sold on that reservation since you have been there any lands under what is known as the noncompetent act?

Mr. HOWARD. No, I have not; but I have a lot of sales pending.

Mr. BURKE. Have you sold any lands known as inherited lands?

Mr. HOWARD. I have not sold any lands since I have been there.

Mr. BURKE. Have there not been many applications——

Mr. HOWARD. Wait a moment. I want to correct that. I have got two sales now that are awaiting the approval of the department here.

Mr. BURKE. What kind of sales; under which act?

Mr. HOWARD. One of them is a full-blood.

Mr. BURKE. Under the noncompetent act?

Mr. HOWARD. Under the noncompetent act.

Mr. BURKE Now, in the case of sale of lands under the noncompetent act or sales of inherited lands the superintendent appraises the land, does he not?

Mr HOWARD. We have it appraised.

Mr. BURKE. Well, the superintendent certifies to the appraisement?

Mr. HOWARD. Yes, I certify to it. Sometimes I am not able to go out myself and I have to send out some competent man.

Mr. BURKE. Have you gone out yourself and made any appraisements?

Mr. HOWARD. I have on some of it.

Mr. BURKE. How many do you think you have appraised?

Mr. HOWARD. Not many.

Mr. BURKE. Of those that you have appraised, can you give us the price that you placed upon the land so we may ascertain what the amount was?

Mr. HOWARD. They run from $12 to $20 an acre.

Mr. BURKE. What kind of lands were those that you appraised?

Mr. HOWARD. Prairie lands, most of them. One piece that I am selling is pine. It is Norway pine. We are selling it on the stump at $8 a thousand feet. It is a long distance to haul. That sale has not been closed up yet, but I have authority to do so. It amounts to about $7,000.

Mr. BURKE. I believe you stated that the prairie lands you appraised were at from $8 to $20?

Mr. HOWARD. From $12 to $20. I don't think there is any below $12.

Mr. BURKE. Then you have not appraised any land as high as you say the average value of the prairie land is—$25 an acre?

Mr. HOWARD. Well, I have endeavored to be very conservative in my appraisals; as land is not to be sold at less than appraised value we are not limited should anyone offer to pay more.

Mr. BURKE. I understand; but you were appraising the land——

Mr. HOWARD. At what I considered a fair value.

Mr. BURKE. What you considered to be a fair value?

Mr. HOWARD. Yes.

Mr. BURKE. And you have appraised lands at from $12 to $20. Now, have you appraised any land that had timber upon it?

Mr. HOWARD. Those are reckoned by stumpage.

Mr. BURKE. What is that basis?

Mr. HOWARD. The piece that I am speaking about is Norway pine, and we have agreed on $8 a thousand stumpage.

Mr. BURKE. Have you had your cruisers report to you, so you could give us an idea as to about how much stumpage of timber that is on an 80-acre allotment?

Mr. HOWARD. The cruisers estimated the pine on one of those eighties at four hundred and thirty thousand, if I remember.

Mr. BURKE. Four hundred and thirty thousand?

Mr. HOWARD. Yes; one of the eighties. The other one I don't remember, but the two together amounted to in the neighborhood of $7,000. There were two children——

Mr. BURKE. Those are 80-acre tracts?

Mr. HOWARD. Eighty acres each.

Mr. BURKE. To what extent is there land owned by full-blooded Indians and mixed Indians and mixed-blood minors from which the timber has not been cut?

Mr. HOWARD. Well, I can not answer that question. These matters come up to me as the Indians come to me and want to sell or complain of trespass, and then I have them investigated. I have no authority to keep regular cruisers. I have had two cruisers there, but I have not had any authority for them for some time. While I had them I kept these matters up in that way. The cruisers that I had are now employed by the Department of Justice, and when I have occasion to look up any particular tract I send them the minutes, and when they are in that vicinity they kindly look it up and they send me the reports.

Mr. BURCH. Will you allow me to explain that we are endeavoring to have these two cruisers make an accurate estimate of all the wood on all the land on the reservation?

Mr. BURKE. I think it ought to have been done some years ago.

Have you had any difficulty in protecting the timber lands of the full-blood Indians and minor mixed bloods from persons who have bought and acquired timber land adjoining lands owned by Indians such as I have described, from such persons cutting the timber getting over on to the adjoining land owned by the full bloods or minor mixed bloods?

Mr. HOWARD. Yes, considerable.

Mr. BURKE. And what do you do to prevent that thing from happening?

Mr. HOWARD. As soon as I learn about it we go out and investigate, run it down, and endeavor to collect for the stumpage of the logs taken.

Mr. BURKE. Do you usually find the person who has cut it claiming that he has gotten over the line by mistake?

Mr. HOWARD. Well, sometimes we are unable to trace it. We traced one trespasser who hauled his logs 20 miles off the reservation to a mill; he hauled them in the night. We were after him some time, but we finally located it, and the man put up for the stumpage. We measured the stumps and the tops. We found the logs in his yard. We found another place where a white man had cut the timber of his children, hauled it to a mill, and sold it for $10 a thousand. I had some difficulty in running that down, but the cruisers that I had went in and made a stump-and-top estimate and by marks on the stumps they located some of those logs on the ice at the mill. The parties

came in and settled for them. I charged them $14 a thousand for those logs, for white pine. They had already paid $10, and there was some objection, but they paid it. The money is on deposit for the children.

Mr. BURKE. How much time do you spend at the agency?

Mr. HOWARD. I am out a great deal of the time. I am confined at the agency more than I would be if I had more office force.

Mr. BURKE. Do you go out among the Indians and into different parts of the reservation from time to time?

Mr. HOWARD. I do.

Mr. BURKE. And you endeavor, do you, to come personally in contact with what is going on on the whole reservation as far as possible?

Mr. HOWARD. Where there are complaints made I endeavor to have them run right down as promptly as I can.

Mr. BURKE. You spoke about there being two councils, I believe you said, and that was the only council of all the Indians that has been held since you have been there which could be regarded as a council of the tribe?

Mr. HOWARD. Since 1908.

Mr. BURKE. How many Indians were present at those two councils?

Mr. HOWARD. Well, the council of 1909 was held first on the 16th of June. It was the day after the annual celebration and there was a large number of Indians there.

Mr. BURKE. About how many?

Mr. HOWARD. Well, I could not say. I did not attend it, but there was a big crowd. Then they adjourned it——

Mr. BURKE. What do you mean by big crowd—several hundred?

Mr. HOWARD. Several hundred, probably. It was practically during the celebration when we had several thousand in there. Then it was adjourned until July and there was a diminished attendance. Then it was adjourned again until some time later. Probably there were 200 present the last time, the last council being principally mixed-bloods that were brought in by wagons.

Mr. BURKE. How many were at the second council?

Mr. HOWARD. The second one, probably 150.

Mr. BURKE. About 150?

Mr. HOWARD. Perhaps so; yes, sir.

Mr. BURKE. And was that regarded as a general council?

Mr. HOWARD. Yes; that was a general council, adjourned from the first one.

Mr. BURKE. Is that the council when that business committee was selected?

Mr. HOWARD. No.

Mr. BURKE. When was that selected?

Mr. HOWARD. That was selected this last summer.

Mr. BURKE. Was that a general council?

Mr. HOWARD. No, sir.

Mr. BURKE. What kind of a council was that?

Mr. HOWARD. That was a council held by the full bloods. The Otter Tail and Gull Lake and other bands sent out runners and got them together at the time this other delegation came down here. They called them together of their own volition, sent out runners.

Mr. BURKE. That would be regarded, then, as a factional council?

Mr. HOWARD. It was the full-bloods.

Mr. BURKE. Yes, of the full-bloods. They sent a delegation to Washington?

Mr. HOWARD. Yes, sir.

Mr. BURKE. The expenses of the delegation were paid?

Mr. HOWARD. I don't know; not through me.

Mr. BURKE. Would not the Government have authority to pay them?

Mr. HOWARD. I don't know.

Mr. BURCH. They were paid, although I am not testifying, $600, I think.

Mr. BURKE. And the delegation which came down which represented the council that you say Beaulieu called could only get their expenses by an appropriation from Congress unless the Indian Department is willing to pay them. Is that correct?

Mr. HOWARD. They were paid by an appropriation. I read the act.

Mr. BURKE. Well, they might have been paid the same as the others?

Mr. HOWARD. I don't know about paying the others.

Mr. BURKE. It is admitted they were paid; I guess there is no dispute about it. Now, there would be no more reason, would there, in paying the expenses of a delegation representing one faction than there would the other, would there?

Mr. HOWARD. Well, they were not sent here by a regular council; neither of them were.

The CHAIRMAN. You mean by the Indian Bureau, do you?

Mr. BURKE. By the Indian Bureau; yes, sir.

The CHAIRMAN. Out of what money was the $2,400 appropriated by Congress?

Mr. BURKE. From their funds.

The CHAIRMAN. What was the reason for the difference—one receiving $600 and the other $2,400?

Mr. BURKE. I am going to interrogate as to that. Major, how much money was actually paid in expenses to the first delegation, if you know?

Mr. HOWARD. I do not know. If you wish me to say what I heard——

Mr. BURKE. Well, I am going to ask you a question. You do not wish this committee to understand that $2,500 was actually expended?

Mr. HOWARD. By the second delegation?

Mr. BURKE. By the first delegation.

Mr. HOWARD. No, the first delegation I was told got $600.

Mr. BURKE. Well, the second delegation.

Mr. HOWARD. The mixed-blood delegation I was told got $2,400.

Mr. BURKE. But you do not know that?

Mr. HOWARD. I do not know that.

Mr. BURKE. Have you ever seen the provision in the appropriation act which authorized the payment of it?

Mr. HOWARD. Yes, I read it.

Mr. BURKE. Does not that as a matter of fact provide that the expenses shall be paid but not exceeding $2,500?

Mr. HOWARD. That may be the way it reads.

Mr. BURKE. But the purpose of it was to pay the actual expenses. How did the two delegations compare in size, if you know?

Mr. HOWARD. The mixed-blood delegation had accompanying them several white men. Whether they figured as delegates or not I do not know.

Mr. BURKE. Well, Indians; I do not care how many white men.

Mr. HOWARD. I could not say.

Mr. BURKE. How long did they remain here, if you know?

Mr. HOWARD. I have forgotten.

Mr. BURKE. How long did the other delegation remain here?

Mr. HOWARD. Not a great while.

Mr. BURKE. How many of them were there?

Mr. HOWARD. Five or six.

Mr. BURCH. Will you allow me to say or suggest that Mr. Hinton knows all the facts? He accompanied them.

Mr. BURKE. I am nearly through with Maj. Howard. If an Indian is a mixed blood and an adult he has the absolute right under the Clapp Act to sell his allotment, has he not?

Mr. HOWARD. I understand it so.

Mr. BURKE. And therefore he would have the right to remove the timber therefrom if he so desired, would he not?

Mr. HOWARD. Yes; he would. It is his property.

Mr. BURKE. And if a person bought that land from such an Indian, he would have the right to remove the timber and dispose of it?

Mr. HOWARD. He would have a clear title.

Mr. BURKE. Then if there is an advertisement in some local newspaper published in that locality proposing to pay the highest prices for pine timber, it would not mean or suggest anything improper, would it?

Mr. HOWARD. No; I do not understand that it would. But I should infer from what you have said that about five-sixths of this reservation would be land from which the timber could be sold without violating any law. The mere fact that there is an advertisement in this paper published by Beaulieu does not suggest that he is intending to purchase timber unlawfully.

Perhaps I have given the wrong impression. Of those five-sixths I would include the minor mixed-bloods as well as the adults.

Mr. BURKE. At any rate, there is a large amount of land there from which the timber may be cut and sold without violating any law?

Mr. HOWARD. Yes.

Mr. BURKE. Then the mere fact of some person advertising that he would pay the best prices for timber does not suggest anything improper?

Mr. HOWARD. No; I don't think it would.

Mr. BURKE. When was the so-called Hinton roll made?

Mr. HOWARD. Last fall.

Mr. BURKE. About what time was it approved?

Mr. HOWARD. Mr. Hinton can answer that better than I can.

Mr. BURKE. Well, nearly a year?

Mr. HOWARD. No, we finished it up in December—the field work generally.

Mr. BURKE. Do you know how many Indians appear on that roll as mixed-bloods, adults?

Mr. HOWARD. No; I can not answer offhand that question.

Mr. BURKE. You can not approximate it?

Mr. HOWARD. No.

Mr. BURKE. Have there been any patents issued to those that are classed as mixed-blood adults since that roll was made?

Mr. HOWARD. Yes.

Mr. BURKE. To what extent, if you know?

Mr. HOWARD. I could not say that. The applications for those patents are made to me, and where they are carried on that roll as mixed-bloods, I approve their application if they are adults.

Mr. BURKE. How many have you approved, about how many, if you know?

Mr. HOWARD. I can not say offhand, but quite a number.

Mr. BURKE. I would ask you if it is not a fact that because there has been a disposition on the part of the department not to issue fee patents in a great many cases where there is any contention about the allottee being a mixed-blood adult it has caused a good deal of the dissatisfaction that prevails up in that locality with reference to this matter.

Mr. HOWARD. Yes; there have been complaints at what they termed unreasonable delay for that very thing.

Mr. BURKE. Procrastinations?

Mr. HOWARD. Yes.

Mr. BURKE. In this suggestion that was made to you by Mr. Beaulieu that you form one of a syndicate to purchase lands, did Mr. Beaulieu suggest that this was to purchase lands from the Indians or to purchase lands generally?

Mr. HOWARD. Well, I understood it was to purchase from the Indians or anybody that had it in that vicinity.

Mr. BURKE. Well, if an Indian was a mixed-blood adult would they have the right to purchase, in your judgment? I am speaking now of the legal right.

Mr. HOWARD. Why, yes.

Mr. BURKE. And they could do so without violating the law?

Mr. HOWARD. Yes, the Indian would have a right to sell.

Mr. BURKE. Do you know Mr. Congdon?

Mr. HOWARD. I have met him.

Mr. BURKE. What is his general reputation, if you know, as a man of standing in the community where he resides?

Mr. HOWARD. He is a very wealty man.

Mr. BURKE. How about Mr. Fairbanks? I presume you know him better than you do Mr. Congdon?

Mr. HOWARD. Mr. Faribanks is a wealthy man.

Mr. BURKE. What is his reputation in that vicinity?

Mr. HOWARD. Well, from my personal knowledge I think Mr. Fairbanks is a pretty fair man.

Mr. BURKE. Has it been alleged by anyone in authority that he is now in possession of any considerable amount of land that he has acquired fraudulently or wrongfully?

Mr. HOWARD. I think that has been charged.

Mr. BURKE. In any considerable amount?

Mr. HOWARD. A considerable amount. I do not know the quantity.

Mr. BURKE. That he is in possession of lands and he has acquired from persons who had no right to sell it; that is, full-blood Indians or minors?

Mr. HOWARD. I think so.

Mr. BURKE. I believe you stated that so far as the large lumber companies were concerned you did not have much trouble with them?

Mr. HOWARD. No; they have been very honorable.

Mr. BURKE. Have they in some instances when you have brought it to their attention reconveyed lands that they had title to where you showed them that they were wrongfully conveyed in the first instance?

Mr. HOWARD. Mr. Nichols offered to reconvey to me, and those matters in dispute I have referred to the Department of Justice.

Mr. BURKE. Have you understood that such lands have been reconveyed?

Mr. HOWARD. Yes; I have understood that quite a large body of land has been deeded back through the Department of Justice. I have no list of that, however.

(Thereupon, at 5.10 p. m., the committee adjourned until to-morrow, Tuesday, August 1, 1911.)

HITE EARTH RESERVATION

No. 5

HEARINGS

BEFORE THE

OMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

OUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

AUGUST 1, 1911

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman.*

SCOTT FERRIS, Oklahoma.
HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARRON, *Clerk.*

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Tuesday, August 1, 1911.

The committee met at 10.30 o'clock a. m., Hon. James M. Graham (chairman) presiding.

The following members of the committee were present: Messrs. Ferris, George, Hensley, Hanna, and Burke.

There were also present: Hon. Halvor Steenerson, Member of Congress from Minnesota; Hon. C. B. Miller, Member of Congress from Minnesota; Mr. M. C. Burch, of the Department of Justice; Mr. Thomas Sloan, attorney at law; and Mrs. Helen Pierce Gray.

TESTIMONY OF MR. JOHN R. HOWARD—Continued.

The CHAIRMAN. Mr. Burch, would you like to continue your examination?

Mr. BURCH. Before proceeding, I would like to correct a little obscurity in my statement in one respect.

The CHAIRMAN. It would probably be better to do that at the end of this witness's testimony.

Mr. HOWARD. Mr. Chairman, yesterday I was not feeling very well, and I became confused in giving the list of my agency employees. Afterwards in thinking it over, I found that I had included some names of persons who are not employed there now. This morning I went down to the department, and I have a copy of the list. I have the list complete here, and I would like to have this put into the record. There was some omission made in my statement of yesterday, and I included the names of some who are not now employees.

The CHAIRMAN. I think Mr. Burke's question went to the present employees there.

Mr. HANNA. If that is the list of those who are at present employed there, it might be well to have that go in the record just as it is now.

Mr. HOWARD. Yes, sir; there are a few changes, and I can give the committee those changes.

Mr. BURKE. Maj. Howard, does the list of employees at the agency which you have there contain the names of the persons who are there employed at the present time, and do they receive the compensation that the paper which you have in your hand states?

Mr. HOWARD. Yes, sir; with the exception of Dr. Abbott, temporary surgeon, who is not on here. He is employed in the House can-

vass, and, also, Dr. Green, a classified surgeon, whose name is not here. These are additions. Now, John S. O'Brien, the financial clerk and a young attorney, resigned unexpectedly on June 30, and his successor is expected to assume the duties there very soon. Until he does so my wife is performing the duties of that office, and I want that shown on the record. She is performing the duties of the office temporarily. Two of these policemen have been dropped, because the force was reduced on June 30. Otherwise this list is complete, I think.

Mr. BURKE. You might hand the list to the reporter to be incorporated in the record.

(The list referred to is as follows:)

White Earth Agency, Minnesota.

Names.	Position.	Salary.	Remarks.
West, Walter G	Chief clerk	$1,200	
O'Brien, John S	Financial clerk	1,200	Resigned June 30.
Peterson, C. Alfred	Stenographer and typewriter	900	
Richards, Polk	Physician	1,200	
Cooke, Fred D	do	1,000	
Slattery, Peter A	do	1,000	Dr. Green.
Henderson, Pearl G	Blacksmith	720	
Louzan J. B	Carpenter	720	
Blue, Louis	Laborer	600	Quit June 16.
Beaupre, Paul	do	600	Appointed June 17. Same position.
Dummert, Otto W	Issue clerk	720	
Powles, Ellen M	Matron	600	
Ellis, Clifford M	Expert farmer	1,200	
Dailey, William	Assistant clerk	900	
Warren, Margaret E	do	840	
Beauchamp, Louis	Assistant carpenter	480	
Porter, D. F	Overseer	800	
Boutwell, Isabelle	Cook	480	
Boutwell, Rodney C	Interpreter	480	
Skinny, Tom	Officer	[1] 30	
Lufkin, George	do	[1] 30	
Van Wert, David	Private	[1] 20	
Jackson, Edward	do	[1] 20	
Rock, George	do	[1] 20	
Mayzhuckeahwung	do	[1] 20	
Madison, James	do	[1] 20	
Bonga, Isaac	do	[1] 20	
Van Nett, James	do	[1] 20	
Bush, John	do	[1] 20	
Badboy, Star	do	[1] 20	
Walker, John	do	[1] 20	
Bellecourt, Frank	do	[1] 20	
Peshekee	do	[1] 20	
Budrow, Ephraim	do	[1] 20	
Bad Boy, John	do	[1] 20	
King, Peter	do	[1] 20	
Jackson, Fred	do	[1] 20	
Hutchinson, Herbert	do	[1] 20	Resigned May 7.
Clark, Frank	do	[1] 20	Appointed May 11. Same position.
Murray, Charles P	do	[1] 20	
Belland, Robert	do	[1] 20	
Franks, John	do	[1] 20	
Fowler, Mrs. Nette C	Field matron	720	
Rock, John S	Forest guard	[1] 50	Appointed Apr. 8.
Hutchinson, Herbert	do	[1] 50	Appointed May 8.

[1] Per month.

Mr. BURKE. In discontinuing the services of men on the police force and reducing the number by two, have you increased the salaries of other policemen?

Mr. HOWARD. No, sir; the force has simply been reduced in number by two.

Mr. BURKE. You say that Mrs. Howard is now acting as financial clerk at the agency?

Mr. HOWARD. Yes, sir; she is performing the duties of that position.

Mr. BURKE. Since what time has she been performing those duties?

Mr. HOWARD. Since June 30.

Mr. BURKE. Had she been employed at other times at the agency?

Mr. HOWARD. She has performed duties frequently there without compensation, and on one other occasion she was temporarily employed on salary to fill in a gap.

Mr. BURKE. But this was only temporary employment?

Mr. HOWARD. Yes, sir.

Mr. BURKE. Wherever this statement of employees differs from the names stated by you yesterday, this list is correct?

Mr. HOWARD. Yes, sir; this list is correct.

Mr. BURKE. Does this statement, or the statement you made yesterday, include the school employees?

Mr. HOWARD. No, sir; it does not.

Mr. BURKE. In a general way, state what schools you have on the White Earth Reservation.

Mr. HOWARD. There is the White Earth Boarding School—this is up to June 30—there is a boarding school at Beaulieu—Wild Rice, it is called—a boarding school at Pine Point, a day school at Round Lake, a day school at Buffalo River, a day school at White Earth, a day school at Poplar Grove, a day school at Beaulieu, a day school at Duane, and a day school at Elbow Lake. On June 30 the day school at Buffalo River and the day school at Poplar Grove were discontinued as Government schools, there being organized school districts there, and it is proposed to give the districts the free use of these schoolhouses and grounds, with the proviso that Indian children are permitted to attend the public schools. Perhaps it would be proper for me to state that it was contemplated to close the boarding school at Pine Point, but that will probably be continued another year.

Mr. BURKE. Do white children attend any of these Indian schools?

Mr. HOWARD. Well, at the Buffalo River school the majority of the children were practically white.

Mr. BURKE. What do you mean by practically white?

Mr. HOWARD. There was some Indian blood in them.

Mr. BURKE. What I want to know is do children attend these schools not of Indian blood and who are not members of the White Earth tribe? Do any such children attend these schools to any considerable extent?

Mr. HOWARD. There was one boy at Poplar Grove who attended that school there, coming 4 miles each day to get to that school. He was a white boy.

Mr. BURKE. Was his tuition paid, or was he permitted to attend free?

Mr. HOWARD. They sent the money to pay his tuition, and I have asked for authority to return it.

Mr. BURKE. Is that the only instance where white children have attended the Indian schools?

Mr. HOWARD. There are several white children at the Buffalo River school—that is, people who were living there in that vicinity.

Mr. BURKE. You stated yesterday that you thought certain moneys that were expended for the care and maintenance of the Indians, the payment of employees, and so forth, came out of the public moneys in the Treasury. I would like to ask you if you have refreshed your memory since yesterday, and wish to make a statement in reference to that matter this morning?

Mr. HOWARD. I have here a memorandum which I obtained this morning from the department covering that question.

Mr. BURKE. What is that memorandum?

Mr. HOWARD. It covers the amount of the tribal funds, and shows the amount from the Indians' fund used in the administration expenses.

Mr. BURKE. Let me see that statement.

(The statement was handed by the witness to Mr. Burke.)

Mr. BURKE. I wish you would read the statement.

Mr. HOWARD. The statement reads as follows:

MEMORANDUM.

The Chippewa Indians of Minnesota had to their credit, in the United States Treasury, July 1, 1911, the sum of $3,913,156.38, which accrued from the sale of land and timber under the provisions of the act of January 14, 1889 (25 Stats. L., 642–645), and the accumulated interest thereon July 1, 1911, amounted to $971,977.36, exclusive of the receipts from the sale of land and timber during the fourth quarter 1911, and the interest that accrued from January 1 to June 30, 1911, for which warrants have not been received from the Treasury. By the act approved March 3, 1911 (36 Stats. L., 1065), Congress authorized the use of $165,000 from the principal fund of the Chippewa Indians in Minnesota, arising under section 7 of the act of January 14, 1889, to be used for the purpose of promoting civilization and self-support among said Indians. From the $165,000 thus authorized, the sum of $56,603.02 was apportioned for the support and civilization of the White Earth Indians of Minnesota, including the expenses of the administration of the affairs of that agency. Under section 7 of the act of January 14, 1889, the interest on the Chippewa fund is used in the following manner:

One-half during the 50 years mentioned in the act to be paid in cash to the heads of families, guardians, and minor orphans;

One-fourth to be paid to all other classes of Indians; and

One-fourth for educational purposes.

This fund is used for the maintenance of the schools of the Chippewa Indians, including the White Earth Band.

The White Earth Indians have an available balance of $1,248.71 to their credit in the Treasury, known as "Indian moneys, proceeds of labor."

AUGUST 1, 1911.

Mr. BURKE. Now, you have ascertained, then, how the expenses connected with the administration of the affairs at the White Earth Reservation, including civilization and maintenance, are paid from the funds in the Treasury belonging to the Indians?

Mr. HOWARD. Yes, sir.

Mr. BURKE. Mr. Chairman, at this point, in order to have this matter clear in the record, I would like to have inserted a provision contained in the last Indian appropriation act, approved March 3, 1911.

The CHAIRMAN. Let it go into the record.

Mr. BURKE. The provision reads as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $165,000, or so much thereof as may be necessary, of the principal sum on deposit to the

credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

Now, Maj. Howard, the Chippewa Indians in Minnesota comprise how many different tribes or bands? Are there others besides the White Earth Indians? I mean by that the different tribes, not the bands.

Mr. HOWARD. There are the White Earth Bands, the Leech Lake Bands, the Red Lake Bands, and the Fon du Lac Bands. There are four reservations there.

Mr. BURKE. Under the act of January 14, 1889, providing for the sale of lands belonging to the Indians and also for the sale of timber, etc., the funds going into the Treasury, I suppose, are apportioned to the different tribes?

Mr. HOWARD. I understand that to be true.

Mr. BURKE. Now, at this point I would like to have inserted in the record House Document No. 755 of the Sixty-first Congress, second session, which gives the amounts of money that have been received and placed to the credit of the Chippewa Indians; also the amount disbursed and the different sources from which the moneys have been received, and how it has been expended. I want to call the attention of the committee to the fact that these Indians have received something over $9,000,000, and that only recently, under the act which was passed in the last Congress, there was charged to their accounts over $4,000,000 that had been expended since 1889 on their account, which the law provided was reimbursable, but which, in fact, has not been charged to them. After making that charge, they still have in the Treasury, as I will show here by the letter I also want to offer, on May 23, $3,913,156.38.

The CHAIRMAN. Let it go into the record.

(The document referred to is as follows:)

[House Document No. 755, Sixty-first Congress, second session.]

MONEYS OF THE CHIPPEWA INDIANS.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 5, 1910.

SIR: In compliance with joint resolution approved February 27, 1909 (35 Stat., p. 1167—Public resolution No. 50), providing—

"That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, required to make to Congress a report of the moneys received from all sources for the Chippewa Indians in Minnesota on account of the sale of lands and timber under the provisions of the act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine, and the acts amendatory thereto, together with such items, if any, as may have been realized from other sources for the benefit of said Chippewa Indians, and the disbursements made from said funds"—

I have the honor to transmit herewith the report referred to, prepared by the Indian Office of the Interior Department, and verified with the books of this department.

Respectfully,

CHARLES D. NORTON,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1910.

SIR: The joint resolution approved February 27, 1909 (35 Stat., 1167), requires the Secretary of the Treasury and the Secretary of the Interior to make to Congress a report of the moneys received from all sources for the Chippewa Indians in Minnesota, on account of the sales of lands and timber under the provisions of the act approved Jauary 14, 1889, etc.

A report has been prepared in duplicate in the Indian Office, which I have signed and inclose herewith for your examination. If you approve the same, will you please so indicate and transmit it to the Congress.

Very respectfully,

R. A. BALLINGER, *Secretary.*

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1910.

SIR: In response to joint resolution approved February 27, 1909 (35 Stat. L., 1167—Public, No. 50), providing—

"That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, required to make to Congress a report of the moneys received from all sources for the Chippewa Indians in Minnesota on account of the sale of lands and timber under the provisions of the act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine, and the acts amendatory thereto, together with such items, if any, as may have been realized from other sources for the benefit of said Chippewa Indians, and the disbursements made from said funds"—

and by direction of the President I have the honor to submit the following report:

Chippewa in Minnesota fund.

Receipts: Sale of pine timber, timber lands, depredations, etc., July 1, 1897, to Dec. 31, 1909		$6,754,080.72
Disbursements:		
Traveling expenses	$15,665.92	
Salaries and per diem, timber employees	202,857.03	
Subsistence, timber crews	1,403.22	
Office rent, superintendent logging	2,850.00	
Office supplies, superintendent logging	573.15	
Refund of deposits, on completion of contracts	118,317.12	
Return of purchase money	6,414.19	
Miscellaneous	4,573.26	
Total disbursed	352,653.89	
Remitted to disbursing officers, accounts not yet rendered	18,675.78	
		371,329.67
Balance in Treasury Dec. 31, 1909		6,382,751.05

Of this amount $68,684.71 was deposited by purchasers who have not yet completed their contracts.

Interest on Chippewa in Minnesota fund.

Receipts accrued to Dec. 31, 1909	$1,540,663.47
Balance in Treasury Dec. 31, 1909	1,540,663.47

MISCELLANEOUS TRIBAL FUNDS.

Commonly called "Indian moneys, proceeds of labor," and "Miscellaneous receipts, Class III." Not a part of the permanent fund:

Receipts from stumpage, depredations, right-of-way damages, sale of hay, dead and down timber, etc	$1,619,558.90

Disbursements:		
Advertising	$1,286.36	
Salaries, timber employees	36,410.27	
Paid to Indians for logs and logging expenses	981,487.44	
Delegation expenses	7,653.35	
Traveling expenses, timber employees	14,708.12	
Paid to Indians per capita	525,677.76	
Right-of-way damages	13,298.54	
Miscellaneous	4,594.67	
Total disbursements	1,585,116.51	
Remitted to disbursing officers, accounts not yet rendered	8,348.77	
		$1,593,465.28
Balance December 31, 1909		26,093.62

RECAPITULATION.

	Receipts.	Disbursements.	Balance.
Chippewa in Minnesota fund	$6,754,080.72	$371,329.67	$6,382,751.05
Interest on Chippewa in Minnesota fund	1,540,663.47	.....	1,540,663.47
Miscellaneous tribal funds	1,619,558.90	1,593,465.28	26,093.62
Total	9,914,303.09	1,964,794.95	7,949,508.14

The permanent fund will be further increased by approximately $1,530,285 (figures supplied by the General Land Office) when the appropriation is made to carry out the provisions of the free-homes act of May 17, 1900 (31 Stat. L., 179), which, in speaking of the money released by settlers, provides, among other things—

"That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States."

If the amount were appropriated, it would pass into the "Chippewa in Minnesota fund," and draw interest at 5 per cent, thereby increasing the interest on said fund, which is to be a partial offset against the advance interest.

During the fiscal years 1889 to 1910, inclusive, there was appropriated by Congress the sum of $4,723,495.55 for the Chippewa Indians, made up as follows:

Advance interest	$1,800,000.00
Advance interest (deficiency acts of 1896, 1898, 1903, and 1906)	7,936.55
Relief and civilization	2,200,559.00
Surveying and allotting	567,936.55
School buildings, Red Lake and Leech Lake	75,000.00
Drainage survey	35,000.00
Negotiations with and civilization of Chippewas	60,000.00
Total	4,746,432.10

All of which is reimbursable from the timber fund, as provided for in the act of January 14, 1889 (25 Stat. L., 645).

Very respectfully,

R. A. BALLINGER,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. BURKE. Following that statement, I would like to incorporate this letter in the record.

The CHAIRMAN. Insert it in the record at this point.

(The letter refered to is as follows:)

FUNDS OF THE CHIPPEWA INDIANS OF MINNESOTA.

OFFICE OF INDIAN AFFAIRS,
Washington, May 23, 1911.

Hon. CHARLES H. BURKE,
House of Representatives.

SIR: Referring to your letter of May 19, 1911, regarding the disposition made of the funds accruing to the Chippewa Indians of Minnesota from the sale of

land and timber, I have the honor to inform you that the United States has recently been reimbursed, on an account stated by this office, for the sum of $3,820,439.05, from these receipts in the Treasury under the act of January 14, 1889 (25 Stat. L., 642), known as "Chippewa in Minnesota fund," and $874,898 from the accumulated interest on this fund; in all, $4,695,337.05, covering expenditures made up to June 30, 1910, from reimbursable appropriations by Congress for these Indians, leaving a balance in the fund mentioned, this date, of $3,913,156.38. No per capita payments have been made from this fund or the interest thereon.

In regard to the disbursement of the sum of $525,677.76 per capita to the Chippewa Indians, shown in House Document No. 775 (61st Cong., 2d sess.), you are informed that this money was derived from stumpage, depredations, right-of-way damages, sale of dead and down timber, etc., carried under the title "Indian moneys, proceeds of labor," and that payments therefrom were made during the period covered by that report, the per capita amount ranging from $5.95 to $19.42. The payments were not made at any regular intervals, but from time to time as sufficient funds accrued justifying such distribution.

Respectfully,

C. F. HAUKE, *Acting Commissioner.*

Mr. FERRIS. Did they have this $3,913,156.38 after the reimbursements had been made?

Mr. BURKE. Yes, sir; everything is paid and there is nearly $4,000,000 remaining. That is for the Chippewas of Minnesota; and Maj. Howard stated that these particular bands now have a million and some odd dollars to their credit.

Mr. GEORGE. I would like to ask about the reimbursements.

Mr. BURKE. Under the act of 1889 the law provided that the surplus land should be sold, as well as the timber, etc., and the proceeds went into the Treasury to the credit of the Indians. The law also provided that the expense of caring for them and educating them, and for civilization, etc., was to be paid from their funds. In other words, the amounts expended were to be reimbursed from their moneys. Now, I discovered in the last Congress that these Indians had to their credit somewhere in the neighborhood of $9,000,000, and that the Government had been advancing money for their care and support, and that, as a matter of fact, they had not charged to their account these amounts. That brought about this action by the department, so that the moneys properly chargeable to them were charged to them and the Treasury was reimbursed to that amount, so that no money has been paid out of the public money that has not been reimbursed on account of these Chippewa Indians in Minnesota.

Mr. GEORGE. Was that something like $4,000,000?

Mr. BURKE. It was $4,695,337.05.

The CHAIRMAN. Reducing the original sum below that because that includes almost a million dollars of interest.

Mr. BURKE. Yes, sir; that is true, and we were appropriating, I might say, annually a certain amount for interest, but they had the money in the Treasury. Of course, it was all reimbursed. I want to call the attention of the committee to House Document No. 755, which I have had inserted in the record, showing that there is due these Indians quite a considerable sum of money on account of lands that have been included in a forest reserve, for which the Indians have not been compensated, and also $1,530,285 on account of lands that were disposed of to settlers, which came about in this way: The Government enacted what was known as the free homes act, relieving these settlers from paying for the lands, so that the Indians have not been compensated for these lands taken by the settlers, and that is a subject which will be brought up in the next

session through the Indian Committee; that is, to obtain an appropriation to pay for these lands in the forest reserve and for those that were taken by homesteaders, who were expected to pay but who were afterwards relieved, so that these Indians will yet receive a large sum of money. Why an appropriation for those lands that I have described has not been made I am unable to inform the committee.

The CHAIRMAN. How was the price of the lands sold by the Government to homesteaders to be determined?

Mr. BURKE. I think it was arbitrarily fixed at $1.25 per acre.

The CHAIRMAN. Does that include such fine timberlands as we have heard described in the testimony?

Mr. BURKE. No, sir; that was agricultural land. I think if the members of the committee will examine the act of 1889 they will find some interesting information on that subject.

Mr. HANNA. Why were the settlers relieved from making the payment?

Mr. BURKE. It was free-homes legislation; it was in the wisdom of Congress.

Mr. HANNA. How long ago was that?

Mr. BURKE. May 17, 1900. The same act affected large areas in Minnesota and Oklahoma.

Maj. Howard, I believe you stated your salary was $2,100 a year?

Mr. HOWARD. Yes, sir.

Mr. BURKE. Are you required to give bond?

Mr. HOWARD. I am.

Mr. BURKE. Did you furnish a surety bond?

Mr. HOWARD. Yes, sir.

Mr. BURKE. What do you have to pay for that?

Mr. HOWARD. It is a bond for $50,000, and the first year I paid $100.

Mr. BURKE. What are you paying now?

Mr. HOWARD. $50.

Mr. BURKE. And that you have to pay yourself?

Mr. HOWARD. Yes, sir.

Mr. BURKE. What do you have there in the way of a house or anything else?

Mr. HOWARD. I have a dwelling house and garden.

Mr. BURKE. Is it a good house?

Mr. HOWARD. Yes, sir.

Mr. BURKE. How much of a house is it?

Mr. HOWARD. It is a brick house.

Mr. BURKE. How many rooms are in it?

Mr. HOWARD. It contains 8 rooms.

Mr. BURKE. And you say you have a garden?

Mr. HOWARD. Yes, sir; there is a garden connected with it.

Mr. BURKE. I presume you have a team at your disposal?

Mr. HOWARD. There are several teams at the agency for the use of myself and the doctors.

Mr. BURKE. Do any of these agency employees, who are employed about the place, look after your garden, etc.?

Mr. HOWARD. I have one man who is used as a teamster and another man who is used as a teamster, who drives the doctors around and also hauls supplies to the indigents' home and the hospital and who does general agency work.

Mr. BURKE. Mr. Chairman, at this point I would like to incorporate in the record, for the information of the committee, a provision of the Indian appropriation act, which I will read:

The Secretary of the Interior is hereby directed to withdraw from the Treasury of the United States the sum of $2,500, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," to pay the actual and necessary expenses of the members of the White Earth Band of Indians sent by a council of said Indians held December 10, 1910, to represent said band in Washington during the third session of the Sixty-first Congress, which expense shall be itemized and verified under oath by Chief Wain-che-mah-dub, of said delegation.

Is the provision of the Indian appropriation act I have just read the one you referred to yesterday when you stated that an appropriation was made of $2,500 to pay the expenses of the delegation that came down here representing, as you say, the mixed-bloods?

Mr. HOWARD. Yes, sir.

Mr. BURKE. You know that the provision I have just read only appropriates so much as may be necessary. You do not know whether the $2,500 was paid or not, do you?

Mr. HOWARD. I do not know what amount was paid.

Mr. BURKE. And I believe you stated that the other delegation was chosen at a council that was attended only by the representatives of a few of the bands?

Mr. HOWARD. No, sir; I do not wish to be understood that way. That was the Pine Point council you refr to. They sent runners all over the reservation, and they had delegations there from White Earth, Gull Lake, from Rice River, from the Mille Lacs, and from Flat Lake.

Mr. BURKE. But, as a matter of fact, it was not a general council?

Mr. HOWARD. I did not call it a general council. They called it that themselves. It was largely attended by full-bloods.

Mr. BURKE. It was not called by you as the superintendent?

Mr. HOWARD. No, sir.

Mr. BURCH. I ask that the witness be allowed to state as to where they came from, as tending to show that the reservation was entirely represented.

Mr. BURKE. I will let you ask that. I am trying to elucidate this fact: That a council, and not a general council, selected the delegates and sent them to Washington; that the department, in its discretion, paid their expenses; that another council of Indians, called substantially in the same way, sent a delegation here and the department refused to recognize them and refused to pay their expenses; that both councils were held to a certain extent in the same manner; that neither was a general council, and that if Congress made this appropriation, it was because the department had refused to pay it, and it was discriminating in favor of one as against the other.

Do you know whether or not the Indians on this delegation, representing what you call the Pine Point council, had their expenses paid?

Mr. HOWARD. Not through my office; but I understand that they were allowed $600.

Mr. BURKE. Was that to cover their expenses, or was that an allowance that included something for spending money?

Mr. HOWARD. I think it was their actual expenses.

Mr. BURKE. But you do not know?

Mr. HOWARD. No, sir.

Mr. BURKE. And you do not know how much of the $2,500 that was appropriated by the Indian appropriation act I referred to has been expended?

Mr. HOWARD. No, sir; only four of the checks passed through my hands for delivery.

Mr. BURKE. And you do not know the amount?

Mr. HOWARD. No, sir.

Mr. BURKE. Major, there is one other point I want to ask you about: Under the Clapp Act, lands of mixed-blood Indians, that is, adults, become immediately taxable, do they not?

Mr. HOWARD. Yes, sir.

Mr. BURKE. Do you know to what extent the lands on the White Earth Reservation have been assessed and taxed since that act passed?

Mr. HOWARD. I did have some data on that which I turned over to the Department of Justice.

Mr. BURKE. Then you do not know at this time?

Mr. HOWARD. No, sir.

Mr. BURKE. I would like to suggest to Judge Burch that I think this is information we ought to have, if he can get it to us. I would like to know how much of this land has been taxed.

Mr. HOWARD. Let me explain further. When these matters came to my notice it was usually by the Indian who complained that he was being held up for taxes.

Mr. BURKE. Have you known of instances where Indians have complained because they were taxed?

Mr. HOWARD. Quite a number of them.

Mr. BURKE. About what do the taxes amount to on an ordinary allotment of 160 acres?

Mr. HOWARD. Well, in Mahnomen County they were very high; much higher than in Becker County. One woman came to me and wanted me to sell her 80 acres, stating that the taxes she was required to pay on it amounted to over $17; that she had never improved it and did not live upon it; that it was simply wild land, and that the taxes were $17 and something. She was a mixed-blood Indian, and could sell her land without any interference from the office, and I so informed her. Where these cases have come to my notice, and I have been satisfied that they were full-bloods or minors, I have forwarded them to Judge Long. Some of them we took up first in my office, and then they were brought to the attention of the district attorney. A hearing was had at Detroit on these tax matters by agreement with the county officials, and many of these tax cases, I think, have been disposed of, and I think they have been cleaned up by the United States district attorney.

Mr. BURKE. Have you ever had information, or has it come to your notice, that Indian lands were taxed or assessed at a higher rate than other lands in the same locality?

Mr. HOWARD. No, sir; I have not.

Mr. BURKE. And the fact that the taxes are high, I presume, would be due to the fact that only a small proportion of the land is taxable? That is usually the case where there is a great deal of Indian land.

Mr. HOWARD. The county of Mahnomen is a new county, and everything has to be constructed—that is, their buildings, roads, schoolhouses, etc.

Mr. BURKE. The lands in trust are not taxed?

Mr. HOWARD. Not for the minors and full-bloods.

Mr. BURKE. So that only the lands that are taxable have to bear the burden, and that makes the taxes higher than would be the case if all the lands were subject to taxation?

Mr. HOWARD. Naturally; yes, sir.

Mr. BURCH. May I ask a question at this point?

Thr CHAIRMAN. Yes; ask it.

Mr. BURCH. I understood you to say that you had delivered this data to the Department of Justice?

Mr. HOWARD. Yes, sir; in most of these cases.

Mr. BURCH. Not the data relating to taxes?

Mr. HOWARD. No, sir; I sent that to Judge Long.

Mr. BURCH. I will endeavor to produce whatever he has sent in in the course of the inquiry. I can not do it instanter.

Mr. FERRIS. You have been familiar with these sales going on ever since you took charge of the agency?

Mr. HOWARD. Only when brought to my notice.

Mr. FERRIS. Has it not been quite a notorious thing that the Indians were selling their lands for less than their real value?

Mr. HOWARD. I think it has.

Mr. FERRIS. It has been brought to your attention in one form or another repeatedly?

Mr. HOWARD. Yes, sir.

Mr. FERRIS. Have you ever made any recommendations to Congress with reference to any legislation that ought to be enacted to prevent further sales of that character?

Mr. HOWARD. No, sir; I have not.

Mr. FERRIS. Have you ever made any recommendations to the Indian Office or the Interior Department protesting against these sales?

Mr. HOWARD. No, sir. The only sales that I have taken up have been the sales or minors or full-bloods that have been brought to my notice, and most of these I have taken up with Judge Long.

Mr. FERRIS. Judge Long is a representative of the Department of Justice?

Mr. HOWARD. Yes, sir. They have been taken up with him with one or two exceptions that I had called to the attention of the department. One was the Augustin matter, and there was one more.

Mr. FERRIS. I believe you stated yesterday that you did not know how many sales had taken place under the former agent. How many have taken place since your administration began?

Mr. HOWARD. I have no means of knowing.

Mr. FERRIS. You have no means of ascertaining that?

Mr. HOWARD. No, sir.

The CHAIRMAN. Did you begin your service in the Indian Bureau in 1908?

Mr. HOWARD. Yes, sir; May, 1, 1908, I took charge.

The CHAIRMAN. That was the first experience you had had in Indian matters?

Mr. HOWARD. It was practically the first, although I had lived among them a good deal before.

The CHAIRMAN. You told us what employment you had before that. Please repeat it.

Mr. HOWARD. For 17 years I was employed by the Great Northern Railway in its legal or claims department; for 15 years I was the assistant claim agent; and then I was promoted to the position of chief claim agent for the entire system, which position I held for two years.

The CHAIRMAN. Where did you have experience in living among the Indians or near them?

Mr. HOWARD. I lived among them in the early days in Blue Earth County.

The CHAIRMAN. Were you ever connected in any way with Indian administrative affairs before you took this agency?

Mr. HOWARD. No, sir.

The CHAIRMAN. When you first went to White Earth you went there as agent?

Mr. HOWARD. Yes, sir.

The CHAIRMAN. And afterwards the office was changed from agent to superintendent?

Mr. HOWARD. It was.

The CHAIRMAN. What is the difference?

Mr. HOWARD. The duties are the same, but the position of agent was abolished or placed under the classified list.

The CHAIRMAN. Did the agent give bond also?

Mr. HOWARD. I did.

The CHAIRMAN. Was it substantially like the bond you give as superintendent?

Mr. HOWARD. Practically; it was the same amount—$50,000.

The CHAIRMAN. Have you anything to say as to the amount of compensation paid to yourself and others in the employ of the Government at the agency there?

Mr. HOWARD. I think it is very small for all of them. I have a chief clerk who is competent to earn $3,000 a year.

The CHAIRMAN. Why does he remain at his present salary of $1,200?

Mr. HOWARD. I have asked myself that question, but he has been in the Indian Service a great many years.

The CHAIRMAN. Are there any advantages in the way of investments or anything of that character that might induce him to remain at the lower salary?

Mr. HOWARD. The employees at that agency, so far as I know, have never engaged in any investments in Indian lands. I suppose that is what you refer to.

The CHAIRMAN. Well, any opportunities for making investments—in Indian lands or other lands.

Mr. HOWARD. They have made none to my knowledge.

The CHAIRMAN. You say there are three counties involved in the White Earth Reservation. Which one of the three has the greatest number of Indians in it?

Mr. HOWARD. Mahnomen County.

The CHAIRMAN. What proportion of the territory of that county is included in the reservation?

Mr. HOWARD. Practically all of it. I think all of it.

The CHAIRMAN. It has a full set of county officers?

Mr. HOWARD. There are 20 townships in that county.

The CHAIRMAN. Twenty townships, and they are also in the White Earth Reservation?

Mr. HOWARD. There are only 16 townships in Mahnomen County and 4 in Clearwater County.

The CHAIRMAN. I do not understand you.

Mr. HOWARD. I said there were 20 townships in Mahnomen County, and I see from the map that Clearwater County takes in 4 of them. That leaves 16 townships in Mahnomen County.

The CHAIRMAN. Are they all included in the White Earth Reservation?

Mr. HOWARD. Yes, sir.

The CHAIRMAN. Are there many pure white settlers in that county?

Mr. HOWARD. Yes, sir; the county of Mahnomen has quite a sprinkling of white settlers.

The CHAIRMAN. What is the proportion, approximately?

Mr. HOWARD. I can not say, but they have organized several townships and have township organizations. They have also organized school districts in various localities in that county.

The CHAIRMAN. Do you know how many white school districts there are in that county?

Mr. HOWARD. No, sir; I do not.

The CHAIRMAN. Do the children of the mixed-blood Indians or the pure-blood Indians in any case attend the white schools?

Mr. HOWARD. If convenient they do.

The CHAIRMAN. What arrangement is made when the children of full-blood Indians who pay no taxes go to the white schools?

Mr. HOWARD. I do not think there are many full-bloods that attend these white schools. If the committee will give me a moment, I will explain. At day schools a free dinner is served to the children, and they go a long distance, even in the cold weather of winter, to attend these day schools.

The CHAIRMAN. The day schools are Government schools?

Mr. HOWARD. Yes, sir; they are Government day schools.

The CHAIRMAN. And these free dinners are served to all who attend?

Mr. HOWARD. Yes, sir; they are cooked by the larger girls.

The CHAIRMAN. Are there any instances where pure-blood white people attend these day schools?

Mr. HOWARD. There are a few; one of them I mentioned awhile ago at the Poplar River School.

The CHAIRMAN. Do they pay a tuition fee?

Mr. HOWARD. That boy went 4 miles, and I have asked authority to return the money.

The CHAIRMAN. Is that the only instance you know of?

Mr. HOWARD. No, sir; there were some at Wild Rice, who lived near the school, who attended.

The CHAIRMAN. What is the principal occupation of the white settlers in that county?

Mr. HOWARD. Agriculture.

The CHAIRMAN. What kind of crops do they raise?

Mr. HOWARD. The principal crop is grain. They produce some corn, wheat, and oats. It is a wheat country.

The CHAIRMAN. To what extent are the Indians farming their lands?

Mr. HOWARD. Well, there are some Indians who have large farms. There is one man, Ish-quay-gah-bow, in Mahnomen County, who has about 200 acres under the plow, if I remember correctly. He is probably the largest individual Indian farmer that I know of there.

The CHAIRMAN. Is he a mixed-blood or pure-blood?

Mr. HOWARD. He claims to be a pure-blood, but in a recent suit he was declared to be a mixed-blood.

The CHAIRMAN. The question goes rather to the general condition than to particular cases. I repeat the question: To what extent do the Indians generally farm their land?

Mr. HOWARD. Not very extensively; very few of them are farming.

The CHAIRMAN. Do they pasture their lands?

Mr. HOWARD. They have no stock. A great many of them have not even a cow.

The CHAIRMAN. Is there any means by which they can lease their lands and earn anything from it?

Mr. HOWARD. I have in some instances leased stumpage for hay at so much a ton, which gave them some money. Last year I took that up, and secured for them $200 or $300, which was deposited to their credit, but this year they are not getting so much.

The CHAIRMAN. Do you handle it, or do they handle it under your direction?

Mr. HOWARD. I handle it for them. This year I am suggesting that they handle it themselves wherever they are competent to handle it.

The CHAIRMAN. What manner of homes have they? What kind of houses or buildings do they live in?

Mr. HOWARD. There are many of these Indians who still live in pretty squalid homes.

The CHAIRMAN. What are they built of?

Mr. HOWARD. Some of them are built out of logs. There are some that the Government has built. These were built from material from the Government mills. The houses are usually about 16 by 24 feet, with a kitchen attached. I have been into these houses where there were 20 people in one room, with the beds and their furniture and their sick and their blind.

The CHAIRMAN. Do they use such beds as white folks use?

Mr. HOWARD. Many of them are beds that white folks would not use.

The CHAIRMAN. I mean the shape of them?

Mr. HOWARD. Yes, sir; they are the same shape, although many of them sleep on the floor.

The CHAIRMAN. To what extent are Indian children attending schools of any kind?

Mr. HOWARD. There is less reluctance to attend the schools now than when I first went there. I had considerable difficulty in filling our schools at first; but now I have difficulty in providing space for them. We need more schools.

The CHAIRMAN. What effort has been made under your administration toward improving their agricultural habits?

Mr. HOWARD. I have been endeavoring to get them interested. The department has sent an expert farmer there, and he has been working among the full-bloods. I got a small amount for seeds and labor, and, under his direction, a great many gardens have been planted. Some of them are thriving. There is one Indian who has 20 acres broken up this year, and we will endeavor to help him with seed next year. The most of them have no teams of their own.

The CHAIRMAN. How are they with reference to doing work for other farmers? Are they industrious and willing to work, or are they lazy?

Mr. HOWARD. Some of them work for the lumber companies on drives, and work around in crowds. They are socially inclined, and an Indian does not like to work by himself.

The CHAIRMAN. To what extent do those who do not farm work at anything else?

Mr. HOWARD. A great many of them do nothing.

The CHAIRMAN. Could you state approximately the percentage of the Indians who are idle?

Mr. HOWARD. I should say that more than half of them are practically idle.

The CHAIRMAN. Those who do work earn how much, as compared with a white man's earnings?

Mr. HOWARD. Those that we have employed at White Earth—and I employ Indian labor there—are paid $1.50 per day. That is the price for eight hours' labor.

The CHAIRMAN. Well, is that paid partly in a spirit of charity, or is that what the man earns?

Mr. HOWARD. Well, it is not altogether in a spirit of charity. The work that I have had done has been in connection with the water system, and it was suspended on June 30 for the lack of funds. I had quite an army of Indians at work there.

The CHAIRMAN. What I want to get at is this: When an Indian does work is he as good a worker as a white man?

Mr. HOWARD. Not generally.

The CHAIRMAN. What would a white man get for that work?

Mr. HOWARD. The same price.

The CHAIRMAN. Will you tell the committee what progress, if any, they have made during the time you have been among them toward attaining a better civilization and greater industry?

Mr. HOWARD. Very little.

The CHAIRMAN. What is your judgment as to the time in the future when you think they can all be safely intrusted with whatever property they have, and turned loose to sink or swim like other people?

Mr. HOWARD. At present that would be a mistake; it would be a mistake to turn it over to them; they are not competent.

The CHAIRMAN. Well, I assumed that in the question, but the question referred to the future, when, in your judgment, if you have any judgment about it, they would be competent?

Mr. HOWARD. I would say not before another generation has been produced and educated.

The CHAIRMAN. In your judgment, are the best methods being pursued to bring about that result?

Mr. HOWARD. Well, that is a question. I have sometimes thought hat our Indian policy was a mistake. It may have been a mistake in he beginning, but we have entered upon it, and perhaps have gone oo far to change it now. Their lands have been squandered, they re diseased, and a large proportion of them have got to have support nd the fostering case of a strong arm.

The CHAIRMAN. But if that strong arm is unjustly used, or permits others to do what it seems has been done on that reservation, is he strong arm of much use to them?

Mr. HOWARD. I do not know what would become of them if everything should be turned loose there now.

The CHAIRMAN. You stated yesterday that when you went there here was a great deal of sickness on the reservation. What kind of ickness did you find there?

Mr. HOWARD. Tuberculosis was very prevalent.

The CHAIRMAN. To what cause do you attribute the prevalence of hat disease there?

Mr. HOWARD. To their habits.

The CHAIRMAN. Do you think it is the environment that develops t, or is it the result of contagion?

Mr. HOWARD. Both. Where you have a large number of people iving in the same house, it is very difficult to handle it. For that eason, we have upon the reservation now a doctor—Dr. Abbott—who s making that his special business. He travels with a team from ouse to house. He sends his reports here to the department monthly. can not give you the details of his reports, but the figures he has iven are appalling.

The CHAIRMAN. So far as you know, they did not suffer from that isease before they knew white men, did they?

Mr. HOWARD. I do not know how that was. That is not the only isease that they have that is killing them off.

The CHAIRMAN. To what disease do you refer other than that?)o you mean diseases of a sexual character?

Mr. HOWARD. Yes, sir.

The CHAIRMAN. To what extent do such diseases prevail?

Mr. HOWARD. That I am unable to state, except from what I have eard from the doctors.

Mr. BURCH. The Linnen and Moorhead report that I have introduced gives an estimate of that.

The CHAIRMAN. To what extent do you think their mode of life nd contagion are contributing causes to the prevalence of tuberulosis or consumption among them?

Mr. HOWARD. As the cause of it?

The CHAIRMAN. Yes.

Mr. HOWARD. Well, I think that is largely the cause; that is, their abits and infection.

The CHAIRMAN. What is being done to prevent that condition?

Mr. HOWARD. It is a very difficult question to handle many of hese people. They are prejudiced, and a great many of them still ave faith in their medicines and treatment. Very little can be one for tuberculosis patients except to isolate them, and that is ery difficult.

The CHAIRMAN. Is the climate there one that is conducive to conmption? For instance, do white settlers suffer from it?

Mr. HOWARD. Some of them; but they bring it with them usually, or contract it by infection. I think the climate is splendid.

The CHAIRMAN. What is the elevation above sea level?

Mr. HOWARD. That I can not answer, but we are in the highest portion of Minnesota, I think.

The CHAIRMAN. Ordinarily the climate there ought to be almost a cure for tuberculosis.

Mr. HOWARD. The air is fine—dry and bracing.

The CHAIRMAN. How is it with reference to humidity, or moisture in the atmosphere?

Mr. HOWARD. Our climate is very dry in winter.

The CHAIRMAN. What is the rainfall, if you know?

Mr. HOWARD. About 52 inches at St. Paul, if I remember correctly.

The CHAIRMAN. Is the prevalence of tuberculosis increasing or decreasing?

Mr. HOWARD. I think it is increasing.

The CHAIRMAN. What attempt has been made to induce these Indians to live more apart; that is, to avoid the condition you spoke of awhile ago, where 20 or more were living in a single room?

Mr. HOWARD. In addition to this doctor who goes from house to house with a team and an Indian driver and interpreter, we have a field matron, Mrs. Fowler. She devotes all her time to that work, going around to the houses, and endeavoring to instruct them in sanitary matters. She says that sometimes it is very discouraging.

The CHAIRMAN. You mean by that that in her opinion the outlook is not bright?

Mr. HOWARD. She is sometimes almost ready to quit. But she has kept on. I think she is doing some good.

The CHAIRMAN. How are the Indians with reference to accepting treatment from the doctor or from her?

Mr. HOWARD. Some of them are reluctant; some of them are quite anxious. They will come for a doctor. They will come for her, when there is sickness. But many of them prefer their own native medicine man, and drums, and medicine.

The CHAIRMAN. When you speak of the native medicine man, do you refer to the use of herbs or the use of charms?

Mr. HOWARD. Charms, largely.

The CHAIRMAN. Do their medicine men practice the use of herbs to any extent?

Mr. HOWARD. Yes; they have remedies that they use, Indian remedies. And some of them are very good ones, too. Instances have been brought to my notice where they have been wonderfully effective.

The CHAIRMAN. Coming back to the other point, what, if anything, has been done toward inducing them to abandon that kind of life, where 20 or more inhabit a single room?

Mr. HOWARD. That is the business that the field matron is engaged upon. The Indians are socially inclined. It has come to my notice that where they have houses for themselves—separate families—they leave them and congregate under one roof quite frequently.

The CHAIRMAN. We are coming back again to the original question: What success have you had in trying to induce them to quit that and adopt the other?

Mr. HOWARD. I can not say.

The CHAIRMAN. Which means not any success.

Mr. HOWARD. In the summer they leave their houses, generally, and they live in tepees and wigwams; and that is much better for them than to herd together in a house.

The CHAIRMAN. How are those apartment houses heated?

Mr. HOWARD. Usually by stoves.

The CHAIRMAN. Are they kept reasonably comfortable during winter?

Mr. HOWARD. Some of those that I have in mind now had two stoves furnished by the Government—a box stove and a cook stove—both in the same room.

The CHAIRMAN. Do they cook their food pretty generally on stoves?

Mr. HOWARD. In winter.

The CHAIRMAN. Do the mixed-bloods live in this way, or is it confined to the full-bloods?

Mr. HOWARD. No; the mixed-bloods generally are more advanced.

The CHAIRMAN. What is the effect of the commingling of the children of the mixed-bloods and full-bloods, with here and there a few white children, getting together in the schoolroom?

Mr. HOWARD. I think it is beneficial. The more white children we can get in, I think, the better for the Indian children—the example and the effect.

The CHAIRMAN. What is your judgment as to the outlook for the children of this generation when they grow up?

Mr. HOWARD. I think that is the only hope we have.

The CHAIRMAN. Do you think it feasible to so train them that when they become adults they will be competent?

Mr. HOWARD. Many of them have shown that that can be done. We have a great many children at the nonreservation school, and the department has a bureau that, when those children graduate, they take them in hand and endeavor to secure employment for them. We have from the White Earth Reservation people in the two cities that are at work there. One young lady is a stenographer in a lumber yard, and one or two, I think, were engaged, the last I heard of them, as clerks in a department store, and they are making good.

The CHAIRMAN. How much of Indian blood in them?

Mr. HOWARD. Well, from a quarter to a half—those I have in mind.

The CHAIRMAN. The per cent of pure bloods there now is about 16⅔, or one-sixth of the whole; is that per cent increasing or diminishing?

Mr. HOWARD. It is diminishing.

The CHAIRMAN. Eventually there will be very few pure-blood Indians?

Mr. HOWARD. These pure-bloods have, I think, a larger percentage of tubercular troubles than do the mixed-bloods.

The CHAIRMAN. So that, from death and intermarriage——

Mr. HOWARD. They are decreasing.

The CHAIRMAN (continuing). The pure-bloods will decrease?

Mr. HOWARD. Yes, sir.

(Thereupon, at 12 o'clock, the committee went into executive session, at the conclusion of which a recess was taken until 2.30 o'clock p. m.)

AFTERNOON SESSION.

TESTIMONY OF MR. JOHN R. HOWARD—Continued.

The committee reconvened, pursuant to the taking of recess, at 2.45 o'clock p. m.

The CHAIRMAN. Major, was the White Earth Reservation inhabited or was it wild land when the Indians were brought to it?

Mr. HOWARD. My understanding is that it was wild land—wilderness. They were brought there 44 years ago.

The CHAIRMAN. But up to 1889 there were quite a number of other Indian reservations in the State, were there not?

Mr. HOWARD. I think some of them were reduced since that. I do not know whether they were consolidated or reduced.

The CHAIRMAN. Do you recall the time of the passage of the Nelson Act?

Mr. HOWARD. No; I do not.

The CHAIRMAN. I assume that when the Indians came to that reservation, the timber on it was all in a virgin state?

Mr. HOWARD. It was; that is my understanding of it.

The CHAIRMAN. The other day you mentioned two varieties of timber that grew on it—pine and oak. Were there any other kinds?

Mr. HOWARD. Yes.

The CHAIRMAN. I mean of commercial value?

Mr. HOWARD. There are, in places, some birch and basswood that have a commercial value, and some maple.

The CHAIRMAN. What is the relative value of pine land and oak land—that is, of the timber on it?

Mr. HOWARD. The pine is the most valuable, usually.

The CHAIRMAN. And from what you said the value of the pine land there varies a good deal?

Mr. HOWARD. Yes, sir.

The CHAIRMAN. Owing, I suppose, to the number and size of the trees on it?

Mr. HOWARD. And the location.

The CHAIRMAN. Location with reference to what?

Mr. HOWARD. Hauling to navigable streams.

The CHAIRMAN. How is the reservation generally with regard to access to navigable streams?

Mr. HOWARD. The larger bodies of pine are cut around lakes that drain into the Ottertail and Wild Rice Rivers; and those rivers carry the logs off the reservation, one running south and the other running northerly and westerly.

The CHAIRMAN. Were all the logs transported to a distance to be worked up?

Mr. HOWARD. The big companies run their logs out.

The CHAIRMAN. Where to?

Mr. HOWARD. There is Nichols & Chisholm, who have their mill at Frazee, south of the reservation.

The CHAIRMAN. And off it?

Mr. HOWARD. And off it. The Wild Rice Co. have their mill at Ada: that is west of the reservation, northwest, and off it. The Park Rapids Lumber Co. have their mill at Park Rapids. That is east, northeast, and off the reservation.

The CHAIRMAN. How did they get the logs to the water?

Mr. HOWARD. Hauled them in the winter.

The CHAIRMAN. They had teams?

Mr. HOWARD. Yes; teams.

The CHAIRMAN. Did they make railroads?

Mr. HOWARD. Yes. The large companies there have steam haulers. The logs are piled on skidways accessible to these railroad tracks and large trainloads of sleds are loaded and hauled many miles by the steam haulers to the landing.

The CHAIRMAN. And then rafted?

Mr. HOWARD. They drive them; they do not raft them.

The CHAIRMAN. What do you mean by that?

Mr. HOWARD. They run loose in the rivers.

The CHAIRMAN. How do you mean driving them? What is the motive power in the driving—the current?

Mr. GEORGE. Does he mean by driving allowing the logs to float down the river?

Mr. HOWARD. Float down the river. They have, for instance, a series of lakes to pass through. They will have a dam at the foot of each lake, and the logs will be held until they reach that point, then the dam is opened, and they go to the next stage.

The CHAIRMAN. You spoke yesterday of the smaller or portable sawmills operating on the reserve, and, as you intimated, operating at times, at least, dishonestly.

Mr. HOWARD. Some of them.

The CHAIRMAN. When was that?

Mr. HOWARD. I guess it is continuous every winter there.

The CHAIRMAN. What steps have been taken to prevent it, if any?

Mr. HOWARD. If we can find proof of trespass, we get after them; make them pay for the timber.

The CHAIRMAN. How do they operate? Wherein does the dishonest act consist?

Mr. HOWARD. Getting over the line to cut logs, or buying logs from anyone who brings them, regardless of who owns them.

The CHAIRMAN. You said that on those occasions you had been taxing them $14 a thousand for the misappropriated lumber.

Mr. HOWARD. In one case, and one case only, I had $14 paid for some white pine that has been hauled and piled up in the mill yard.

The CHAIRMAN. What was the market value for that kind of lumber at that time and place?

Mr. HOWARD. At that place I think it was $14.

The CHAIRMAN. And at what rate per thousand was the stumpage sold to those people?

Mr. HOWARD. I have two tracts of Norway pine, where they are at some distance from water, that I have contracted at $8 a thousand on the stump. That is Norway. Norway is not as valuable as the white pine.

The CHAIRMAN. And most of it is sold at a much less figure than that?

Mr. HOWARD. Oh, yes.

The CHAIRMAN. The law, I think, provided for a mininum of $3 a thousand.

Mr. HOWARD. Well, they usually, I think, have lumped it, where they have bought those tracts heretofore.

The CHAIRMAN. What are the duties of the timber cruisers whom you spoke of?

Mr. HOWARD. Those that we have had, their duties have been to estimate the amount of timber standing and that has been removed from certain allotments that are in dispute.

The CHAIRMAN. That is an expert business?

Mr. HOWARD. Yes, sir.

The CHAIRMAN. How are they appointed?

Mr. HOWARD. The present cruisers who are there I employed, when I got authority two years ago, B. F. Carr and Frank Carr. B. F. Carr is one of the most expert cruisers in the United States. I employed him to come up there and run down some of these trespass matters; and later the Department of Justice took him to look up some of their disputed matters. He is now at work for the Department of Justice.

The CHAIRMAN. What pay did they get for their services?

Mr. HOWARD. I paid Mr. Carr $125 a month; and I paid the other one $75 a month, and their expenses.

The CHAIRMAN. Was your authority special, or is it a power that goes with the office you hold?

Mr. HOWARD. It was a special authority; I had to obtain it.

The CHAIRMAN. Before that who appointed them?

Mr. HOWARD. I asked authority to employ them from the department, and when I got the authority, I employed them and put them to work.

The CHAIRMAN. Was that soon after you went on the reservation?

Mr. HOWARD. The next winter.

The CHAIRMAN. Do you know how they had been employed before you went there?

Mr. HOWARD. They had not been there before.

The CHAIRMAN. You spoke about one of them bringing you some word of coal outcroppings on the creek bank.

Mr. HOWARD. That was an Indian.

The CHAIRMAN. But a timber cruiser?

Mr. HOWARD. No; one of my policemen, Star Bad Boy. He is a magnificent specimen, too.

The CHAIRMAN. Of bad boy or man?

Mr. HOWARD. Of a man; that is, physically.

The CHAIRMAN. Are the timber cruisers supposed to be experts in any other line than timber?

Mr. HOWARD. They are not supposed to be, but Mr. Carr happened to be.

The CHAIRMAN. A mineral expert?

Mr. HOWARD. A mineral expert.

The CHAIRMAN. I think you said that you suggested to him that he be on the lookout for iron ore. Am I right in that?

Mr. HOWARD. There was considerable talk about iron ore out northeast, and when he came in from one of his trips I took the matter up with him and I told him if there were deposits of mineral out there the Government wanted to know it, and I wished he would investigate. He did so on several trips that he made, and he reported to me that he did not find any traces of iron.

The CHAIRMAN. How near to that reservation is there iron known to exist in large quantities?

Mr. HOWARD. I would have to make a guess—75 miles or more, probably.

The CHAIRMAN. Is it being worked?

Mr. HOWARD. Yes. There is iron being worked on the Cayunna Range, and that is probably 75 miles.

The CHAIRMAN. Is that the property of the United States Steel?

Mr. HOWARD. No—the United States Steel? I do not know.

The CHAIRMAN. Who owns it?

Mr. HOWARD. I could not say who owns it.

The CHAIRMAN. Do you know of any other land bought or sold as iron land nearer the reservation than that?

Mr. HOWARD. No. There is iron around Brainerd, and that is right in that vicinity; that is the nearest to the reservation. There are some iron lands west of the Mississippi River, at Randall; but it is about the same distance from the reservation.

Mr. GEORGE. Does the reservation lie in between those points?

Mr. HOWARD. No; the reservation lies northwest of them.

Mr. GEORGE. Do they form three points of a triangle?

Mr. HOWARD. No. The theory that they have maintained was that these veins ran northeast and southwest. The reservation would be off over here from any known claim—75 miles from any known claim.

The CHAIRMAN. You spoke of a Mr. Congdon and Mr. Fairbanks, who had invested quite freely in land in the reservation, did you not?

Mr. HOWARD. Yes, sir. I have understood Mr. Congdon had invested quite extensively.

The CHAIRMAN. Who is Mr. Congdon?

Mr. HOWARD. I do not know him. I have understood he was a wealthy iron owner of Duluth. He is a prominent man, well known in the State.

The CHAIRMAN. Do you know, either personally or from hearsay, whether he is connected with the United States Steel Corporation?

Mr. HOWARD. I do not.

The CHAIRMAN. Have you seen him on the reservation?

Mr. HOWARD. I do not know that I ever met him there. I do not recall that I ever met him there.

The CHAIRMAN. Do you know how much land he alone, or he with others, has got hold of on that reservation?

Mr. HOWARD. No; I have no record of the sales that are made there.

The CHAIRMAN. The question was asked you yesterday, by Mr. Ferris, I think, whether you made any effort to keep track of conveyances of reservation land, and I think you said you were not able to do that for want of additional help.

Mr. HOWARD. Yes. It would require an abstract clerk expressly for that purpose to do that with any accuracy.

The CHAIRMAN. Have you ever made any representations to the bureau as to the necessity of such help?

Mr. HOWARD. I spoke personally to Mr. Valentine once when he was up there; but I have not made any written request. At that time he told me that there were not sufficient funds to enlarge my office force.

The CHAIRMAN. What do you say as to the necessity for doing that kind of work—keeping up with transfers of land?

Mr. HOWARD. I think it is very important.

The CHAIRMAN. Did the commissioner say why it could not be done?

Mr. HOWARD. He had not founds to increase my office force.

The CHAIRMAN. Have you made any representations to the bureau with reference to the school question?

Mr. HOWARD. I am going to.

The CHAIRMAN. You stated you have not room enough for your pupils now.

Mr. HOWARD. That I hope to take up with them as soon as I am at liberty.

The CHAIRMAN. How do you arrange with reference to school room now, so as to accommodate all or as many as possible of the children?

Mr. HOWARD. When I first took charge the capacity of the White Earth School enabled us to put in 186 pupils. Later we had instructions that sanitary conditions were being neglected and the air space for each pupil must be at least 400 cubic feet. That reduced our capacity to 134. Another order has just been issued that I must not put any more than one for every 500 feet, and that is going to still further reduce the capacity of the White Earth School and the other schools.

The CHAIRMAN. That was not quite the point I was wanting to reach. How do you divide up? What children, are to have the benefit of the school and what ones are to be excluded?

Mr. HOWARD. The boarding schools we aim to take the remote children in, who are remote from the day schools; give them the preference.

The CHAIRMAN. Do you divide the time so that all the children may have some opportunity, or are some denied any opportunity?

Mr. HOWARD. Some are denied any opportunity for want of room. Let me explain—for want of room and for other disabilities. Shall I go into it?

The CHAIRMAN. For instance, what disability?

Mr. HOWARD. We have about 1,300 children of school age on the reservation. I have school facilities for about 600. We have some at nonreservation schools. There are, of the balance, perhaps 400 or 500, a portion of whom are disabled, tubercular, and are not permitted to attend school for that reason. Then there are, perhaps, one or two hundred who are unable to go to school for want of facilities—perhaps over 200. I hope to remedy that somewhat. We have a recommendation in here for the building of an addition to the White Earth School, a dormitory with a capacity for 140 girls. That will increase our White Earth School to nearly 300 pupils, at an additional expense for help of only 7 employees. The present employees for those boarding schools average from 14 to 17 each.

The CHAIRMAN. What would be the proper number of pupils for each one?

Mr. HOWARD. The Pine Point has a capacity of about 50. We have crowded it to 60.

The CHAIRMAN. So that these teachers are working, so far as pupils are concerned, at about one-third their capacity?

Mr. HOWARD. At that school; yes, sir. Then at Beaulieu we have a capacity of about 50.

The CHAIRMAN. Would it be feasible, on the plan on which the school is run, to reduce the number of teachers?

Mr. HOWARD. Not at those schools, very well.

The CHAIRMAN. What is the reason that children could not be consolidated so as to make 45 or 40, instead of 17, for each teacher?

Mr. HOWARD. At Pine Point there was a principal, a teacher, another teacher, two matrons, a disciplinarian——

The CHAIRMAN. What are his duties?

Mr. HOWARD. It was to give them military drill, and assist around the schools.

The CHAIRMAN. He is not a spanking boss?

Mr. HOWARD. No; then there was at Pine Point some farming done, and we had a farmer or two and some help there about the cattle, cows, and horses. I think we had 14 at that school.

The CHAIRMAN. As I understood you, then, the grading, so to speak, or the division of work, rendered it necessary to have the number of teachers you had?

Mr. HOWARD. It was necessary.

The CHAIRMAN. And you could not eliminate any of them without interfering with your plans of operation?

Mr. HOWARD. We needed all we had. They were nearly all Indians at that school.

The CHAIRMAN. How soon does the bureau hope to be able to accommodate all the children with school facilities?

Mr. HOWARD. Since I have been there we have built two new day schools. I hope to be authorized to get another day school this summer at Twin Lake. There are a lot of full-blood Indians and about 50 children there with no school.

The CHAIRMAN. Those 50 children would average about what age?

Mr. HOWARD. I take the older ones to my boarding school, and get many of them. Here is one of them right here [indicating]. She is from there, is she not?

Miss WARREN. She is from Pine Point.

Mr. HOWARD. Those other girls are from Twin Lake. From 6 to 20 years.

The CHAIRMAN. I think you stated to me awhile ago you did not recall the Nelson Act, or the time when it went into operation?

Mr. HOWARD. No.

The CHAIRMAN. Do you know of the machinery which was provided under it for segregating the Indians?

Mr. HOWARD. I have read it, but I am not so fresh on it.

The CHAIRMAN. There were, I believe, three commissioners appointed for that purpose. Are those commissioners still in commission?

Mr. HOWARD. I understand not.

The CHAIRMAN. Are any of them?

Mr. HOWARD. One of them was, until last fall.

The CHAIRMAN. Who was that one?

Mr. HOWARD. Mr. Hall.

Mr. BURCH. What is his Christian name?

Mr. HOWARD. Darwin S. Hall.

The CHAIRMAN. What is he now doing?

Mr. HOWARD. He is out of the service, I understand.

The CHAIRMAN. Do you know if he is in any employment now?

Mr. HOWARD. I do not know.

The CHAIRMAN. Do you know anything about his situation?

Mr. HOWARD. He is living in Minnesota.

The CHAIRMAN. I meant more particularly in a financial way. You mentioned Mr. Michelet as a struggling lawyer when he went in there.

Mr. HOWARD. That was Mr. Burch who said that.

The CHAIRMAN. Do you know whether the commissioners are struggling or not?

Mr. HOWARD. I am not familiar with their financial conditions.

The CHAIRMAN. Can you tell us who would know what their financial condition was when they went on the job and when they went off, their salaries, and some facts about that?

Mr. HOWARD. Mr. Hall lives in another portion of the State from my own home, and while I have met him casually, still I have no knowledge of what his financial standing is.

The CHAIRMAN. Do you know what pay they received?

Mr. HOWARD. The payment for Mr. Hall during his last term of service was not handled by my office; I could not say. I understood it was $10 a day, with certain allowances; but nothing passed through my office.

The CHAIRMAN. Was that every day, or certain days?

Mr. HOWARD. That I could not say.

The CHAIRMAN. You have some of the papers, I suppose, which they obtained from the Indians. Did they not have to have consent in writing from the Indians when they moved from other reservations to White Earth?

Mr. HOWARD. No; those Indians at Mille Lac by agreement, by treaty, moved over there.

The CHAIRMAN. Have you the treaty?

Mr. HOWARD. I have not it here, but I have it at White Earth. They were entitled to have two allotments of 80 acres each when they removed there.

The CHAIRMAN. How far from the Mille Lac country, from which they moved, is it to White Earth?

Mr. HOWARD. In a direct line, perhaps 70 or 75 miles; but by rail it would be longer.

The CHAIRMAN. Did they all move?

Mr. HOWARD. They have not all moved.

The CHAIRMAN. Your map shows no reservation at Mille Lac now?

Mr. HOWARD. No; there is none; it is wiped out.

The CHAIRMAN. That is, diminished to a point, or below it?

Mr. HOWARD. Yes.

The CHAIRMAN. You say there are some there; how are they living?

Mr. HOWARD. There are about 200 of the Mille Lac Indians who are still at Mille Lac and at Tamarack. Those at Tamarack are industrious, most of them. I was there to see them, and the people there desired them to remain. They employed them clearing up land. One Indian had taken a contract, so a farmer told me, to clear 160 acres of land, and he was making good wages at it. Those Indians, with one or two exceptions, had no desire to come to White Earth, and I concluded that they were better off where they were. I was at Sandstone last year and made an annuity payment there—went there

to accommodate those people. With the people at Mille Lac it is different. They are many of them old people.

The CHAIRMAN. You mean the Indian people?

Mr. HOWARD. The Indian people. They have no homes. They had houses; and they had rice fields.

The CHAIRMAN. What kind of rice grows up there?

Mr. HOWARD. Wild rice; and there was formerly an abundance of it. Mille Lac Lake was just swarming with fish; the woods there were the favorite resorts of the deer. The Indians have another reason. One of the old chiefs, Wardena——

The CHAIRMAN. Reasons for remaining?

Mr. HOWARD. For remaining. One of the old chiefs, Wardena—I sent my overseer over there with William Daly, an interpreter, and tried to induce them to come; and Wardena, on behalf of his band, sent me this message, that if I came to Mille Lac and put handcuffs on him, he would come; when I took the handcuffs off, he would go back; that he was going to leave his bones with the bones of his fathers; that they had won that Mille Lac country from the Sioux by generations of warfare, and it belonged to them. And they never would leave it.

Mr. MILLER. Mr. Chairman, will you permit just a question? I am asking for information in reference to Wardena. That is in my district, and we have for a year been trying to secure the removal of those Indians, and possibly the Major could clear up a point with reference to it that would be of value. I would say this, that the parties who have secured title from the Federal Government to these lands, formerly occupied by the Indians and now squatted upon by Wardena and his associates, have enlisted the cooperation of the county officials, the sheriff's office, to secure the removal of the Indians. What I want to know is this, is the Indian Department cognizant of that fact, and is it cooperating in any way for the removal of the Indians?

Mr. HOWARD. The Indian Department has made every effort to secure the removal of those Indians. They sent down this Hall there especially, and he was there engaged in the work about a year and a half. He removed to White Earth—my recollection, this must be, because I have not the figures—he removed to White Earth perhaps 40 or 50 Indians who were former removers, and who had gone back. He removed to White Earth perhaps half as many who had not removed theretofore. Some of them have also returned.

Mr. MILLER. As a matter of fact, if you take them from Mille Lac to White Earth they will stay two or three days and go right back?

Mr. HOWARD. Go right back.

The CHAIRMAN. What property rights did the Indians have at Mille Lac before the passage of the Nelson Act, or at the time of it?

Mr. HOWARD. I do not know when they first got possession of that, but it was many years ago. The Chippewa Indians, as you read the history, were the first of the Indians to procure firearms, and they drove the Sioux gradually westward from that time; but when they got to Mille Lac I could not say.

The CHAIRMAN. Had they any rights there which the Government recognized?

Mr. HOWARD. The Government recognized that as their reservation, I think, for many years.

The CHAIRMAN. What did they get out of it?

Mr. HOWARD. The records in the White Earth office—the treaty that was made—show that $40,000 was paid by the General Government to certain Mille Lac chiefs for that reservation, with an agreement that they were to remove to White Earth and there receive allotments.

The CHAIRMAN. Is Mille Lac a band or a tribe?

Mr. HOWARD. It is a band.

The CHAIRMAN. How much of the band did these chiefs in this treaty represent?

Mr. HOWARD. At the time the treaty was made?

The CHAIRMAN. Yes.

Mr. HOWARD. I think about a thousand remaining now; I could not say how many there were then, altogether.

The CHAIRMAN. Anyhow, you think the Government dealt with these chiefs as the representatives of the band?

Mr. HOWARD. It purported to have been a general council that handled the matter; but the Indians now say many of them had nothing to do with it.

The CHAIRMAN. Who was the money paid to?

Mr. HOWARD. My recollection—and it is only recollection; it has been some time since I read that treaty—was that there was $40,000 paid by the General Government. The treaty was negotiated by Maj. McLaughlin.

The CHAIRMAN. What was his title?

Mr. HOWARD. He was Indian inspector, I think. Simon Michelet was agent at White Earth for the Government. The Indians were represented by Gus H. Beaulieu and D. B. Henderson as attorneys.

The CHAIRMAN. Is Mr. Beaulieu a licensed attorney?

Mr. HOWARD. I think he claims to be an attorney. I do not know that he does any law business.

The CHAIRMAN. Who is Mr. Henderson?

Mr. HOWARD. Henderson is an attorney of this city.

The CHAIRMAN. Were these two the only representatives of the Indians?

Mr. HOWARD. There were four chiefs, whose names appear, Wah-we-yay-cumig and Aim-dus-o-ge-shig. I have forgotten who the other two were. I think Miss Warren can testify as to them.

The CHAIRMAN. Miss Warren, do you remember about the other one, or any of them?

Miss WARREN. No.

The CHAIRMAN. Do your records show whether the money was paid to them, and what became of it?

Mr. HOWARD. The records show that there was $40,000 paid; $17,000 of it was divided pro rata among the Indians at that time; $10,500 or $11,500—there seems to be a discrepancy of a thousand dollars somewhere in it—was deposited. This is my recollection, a good deal of it; the records are the best evidence—was deposited in a St. Paul bank to be disposed of later as the Indians in council should determine; $4,000 was paid to Gus H. Beaulieu for attorney's fees, $2,500 was paid to D. B. Henderson for attorney's fees. Later, D. B. Henderson got $1,500 for expenses. The four chiefs, I think, received each $1,000.

The CHAIRMAN. They seemed to be distributing it a good deal like prize money.

Mr. HOWARD. There was finally left this $10,000 or $11,000—there s some discrepancy in the records—in the St. Paul banks, subject :o the order of the Indians. Later it appeared that Gus Beaulieu got charge of that money—got hold of it—how, I do not know. But the Indians, when they learned of it, employed attorneys to recover t. The attorneys were some St. Cloud attorneys; I think Brower & Stewart were the ones. As the result of the litigation Beaulieu returned $5,500 of the $10,000 or $11,000. That amount of money was turned over to Maj. Michelet to be distributed among the Indians. When I went there $2,200, I think it was, of that money remained, and it was turned over to me. I advertised the payment at White Earth, and the Indians who had not been paid came in, and that money was all paid out but about $208, I think, which is still in the bank waiting for claimants.

The CHAIRMAN. Came in from where?

Mr. HOWARD. From White Earth and other points.

The CHAIRMAN. Were any of those Indians remaining at Mille Lac entitled to any of that?

Mr. HOWARD. They had had theirs at the first payment.

The CHAIRMAN. What did they give up as an equivalent for this $40,000?

Mr. HOWARD. There is a dispute about that. The general impression was that they relinquished all claims to that reservation, with its valuable bodies of pine timber.

The CHAIRMAN. How large a reservation?

Mr. HOWARD. I do not know what the extent of it was.

The CHAIRMAN. Give us some idea of whether it was a township.

Mr. HOWARD. I think it was more than a township. It was irregular around Mille Lac Lake. I can not say what the original reservation did contain.

The CHAIRMAN. A lawsuit has recently been brought against the Government by the Mille Lac Indians to recover damages for some property taken from them unlawfully, they claim. Did it grow out of any of these transactions?

Mr. HOWARD. My understanding is that it came from this transaction.

The CHAIRMAN. Did that lawsuit cover all possible claims for damages, or probable claims for damages, in that vicinity?

Mr. HOWARD. I am not familiar with what the bill of complaint was; I never saw it. It was here, I think, before the Court of Claims.

Mr. BURCH. I expect to present the whole matter.

The CHAIRMAN. The files will be the best evidence.

Mr. BURCH. I expect to show the whole matter to the committee before we are through. It was in the Court of Claims.

The CHAIRMAN. It is now pending on appeal, is it not, in some other court?

Mr. BURCH. My last information was that the Government attorney, Mr. Anderson, was trying to get an appeal allowed.

Mr. BURKE. Is not that a suit that is based on a treaty of 1854?

Mr. MILLER. And 1866.

Mr. BURKE. 1866; I did not know about that. But is not that the case, Judge Burch?

Mr. BURCH. I do not know; I never saw the case.

The CHAIRMAN. How many Mille Lac Indians are there on the White Earth Reservation, as nearly as you know?

Mr. HOWARD. There are about a thousand on our rolls, and I think there are about 200 of them at Mille Lac and Tamarack.

The CHAIRMAN. Have they the same rights on White Earth as the White Earth Band?

Mr. HOWARD. Just the same.

The CHAIRMAN. They receive two allotments of 80 acres each, just as the others do?

Mr. HOWARD. Just the same; an additional and original.

The CHAIRMAN. You have there on the reservation a Mille Lac store, have you not; or a place known as the Mille Lac store?

Mr. HOWARD. It is the Mille Lac village at Elbow Lake, I think, what you refer to. There is a store there, kept by an Indian at Elbow Lake.

The CHAIRMAN. Is it a private enterprise?

Mr. HOWARD. A private enterprise.

The CHAIRMAN. Entirely private?

Mr. HOWARD. Entirely private. Wah-we-yay-cumig, the chief, operates the store.

The CHAIRMAN. Have they any funds separate from the other funds of the White Earth Indians?

Mr. HOWARD. No.

The CHAIRMAN. Do they participate in the fund referred to this forenoon by Mr. Burke?

Mr. HOWARD. Just the same as the others.

The CHAIRMAN. On equal terms with the others?

Mr. HOWARD. On equal terms with the others.

The CHAIRMAN. How do they live, with reference to the other Indians on the reservation? Are they a band of their own, separate from the others, or do they mingle with some of the other bands?

Mr. HOWARD. The village at Elbow Lake consists of about 30 houses. We built a day school there last summer. That is principally Mille Lac Indians. Some of those houses contain more than one family. It is the biggest settlement of Indians that we have in any one place.

The CHAIRMAN. Do they intermarry with the White Earth and other bands?

Mr. HOWARD. Just the same; there is no distinction.

The CHAIRMAN. So that the bands are then, to some extent losing their race identity, are they?

Mr. HOWARD. They are, very much. Tribal relations are gradually being obliterated.

The CHAIRMAN. You stated yesterday that the pine lands on the reservation were sold before you went there. I did not quite understand just the meaning and the scope of that answer. What lands did you refer to then, Major?

Mr. HOWARD. My understanding is that the lumber companies, the three lumber companies, practically own the pine land on that reservation; and that they acquired title to it, most of it, before I went there.

The CHAIRMAN. That would include the fee to the land, as well as the timber on it?

Mr. HOWARD. There are some cases that have come to my notice where they have only bought the timber; they did not buy the land.

The CHAIRMAN. Do you recall, or did you know in those cases, the arrangements for taking the timber off, how long a time they had, or what the conditions were?

Mr. HOWARD. I can not give details now; but there are cases that came to my notice where they bought their timber. They had plenty of time to remove it.

The CHAIRMAN. Do you know whether in any of those cases the land itself, the fee, was since sold?

Mr. HOWARD. No; I do not.

The CHAIRMAN. You also spoke yesterday of a committee of five, which I would like to have a little further information about. Who picks that committee?

Mr. HOWARD. The business committee?

The CHAIRMAN. Yes.

Mr. HOWARD. The Indians at this council at Pine Point last year.

The CHAIRMAN. I was a good deal mixed on the council proposition. In my limited experience I had not heard of any similar conditions existing. Is it possible to have a real council representing the entire reservation at White Earth?

Mr. HOWARD. That is the only place where one should be held.

The CHAIRMAN. I mean the White Earth Reservation.

Mr. HOWARD. Yes; we have had those councils since I have been there.

The CHAIRMAN. What notice do you give for such a council?

Mr. HOWARD. I send out circulars by runners and by mail to all of the prominent men and chiefs, also to the public places, and have them stuck up.

The CHAIRMAN. Printed notices?

Mr. HOWARD. Printed notices, stating that a council would be held at such a time at White Earth. Usually about 30 days' notice is required to give them sufficient time to get around.

The CHAIRMAN. Is there any way fixed, either by law or by Indian custom, for calling a council?

Mr. HOWARD. Indian custom is what I have followed.

The CHAIRMAN. It was not the custom among the Indians to paste up printed notices, was it?

Mr. HOWARD. No. But a call by the agent; that has been the custom.

The CHAIRMAN. If you had a full attendance at a council, how many would be there?

Mr. HOWARD. All the Indians, or all the bands represented?

The CHAIRMAN. How many would have a right to be in the council and be considered of it?

Mr. HOWARD. Every adult Indian would have a right to be there.

Mr. BURCH. Male or female?

Mr. HOWARD. Both attend.

Mr. BURCH. Excuse me for interrupting.

The CHAIRMAN. I wanted to know. Have the adult female Indians a right to attend councils, according to the Indian custom?

Mr. HOWARD. They do. A great many of them attend those councils.

The CHAIRMAN. Are they heard there?

Mr. HOWARD. Sometimes they are heard.

The CHAIRMAN. Do any of the Indians have superior rights to others in the council?

Mr. HOWARD. There are several chiefs who claim rights; but they are not generally respected.

The CHAIRMAN. Who organizes this council?

Mr. HOWARD. The Indians themselves.

The CHAIRMAN. How?

Mr. HOWARD. By the selection of a chairman and a secretary, and then, sometimes, an interpreter.

The CHAIRMAN. And then the business of the council is conducted pretty much like a white man's convention?

Mr. HOWARD. Yes; very much.

The CHAIRMAN. What record is kept of it?

Mr. HOWARD. The secretary keeps a record, which he brings to my office, signed by the chairman, the interpreter, and the secretary.

The CHAIRMAN. I understood you that since you have been superintendent there there has been but one such council?

Mr. HOWARD. Two.

The CHAIRMAN. One in 1909; and when was the other?

Mr. HOWARD. The 16th of May, this year.

The CHAIRMAN. That was an adjourned meeting of the other, was it not?

Mr. HOWARD. No. The one of 1909 was adjourned several times; they had a stormy time over it. The one this year was called for the purpose, as shown in the notice, simply to elect an executive committee to take charge of the celebration.

The CHAIRMAN. The annual celebration?

Mr. HOWARD. The annual celebration. No other business was considered.

The CHAIRMAN. What was the first convention or council called for in 1909?

Mr. HOWARD. I had at that time a large number of applications for enrollment. Then, there was an application of Mr. Richardson to have his contract renewed. I think the call I issued simply stated that a general council would convene to consider such business as might come before it—something like that. I do not think I specified in the call or limited it to anything.

The CHAIRMAN. Is there any way to issue a call except through this superintendent?

Mr. HOWARD. I do not know of any, for a general council.

The CHAIRMAN. And the superintendent has the power to issue such a call without consulting anyone?

Mr. HOWARD. He has.

The CHAIRMAN. The minutes of the council—the records of it—are kept in the English language, are they?

Mr. HOWARD. Kept in the English language, or translated into the English language.

The CHAIRMAN. The bureau, it would seem, could hardly recognize any council but a general council?

Mr. HOWARD. I do not think they do.

The CHAIRMAN. But, in the case of the delegations which come to Washington, if I recall your testimony correctly, you stated that neither of those delegations was appointed by a general council?

Mr. HOWARD. Neither of them was called by me. One of them was held in a blacksmith shop at White Earth, while the other was largely attended at Pine Point, all the bands being represented.

The CHAIRMAN. And in one instance the bureau recognized those delegates as being regular?

Mr. HOWARD. I understand that the delegation of chiefs that came here from the Pine Point council were given audience.

The CHAIRMAN. That was the one the bureau put up the $600 for?

Mr. HOWARD. Yes.

The CHAIRMAN. The other one was the Beaulieu delegation?

Mr. HOWARD. Yes.

The CHAIRMAN. The one for which Congress appropriated twenty-four or twenty-five hundred dollars?

Mr. BURKE. Twenty-five hundred.

The CHAIRMAN. Do you know why that difference was made, or can you give a reason for what Congress does?

Mr. HOWARD. I am too modest.

The CHAIRMAN. Would that money—the $2,500—or any part of it be disbursed through your office?

Mr. HOWARD. There were four checks of that sent me for delivery. Two of the checks were for Gus H. Beaulieu, amounting to four hundred and something over; one check to be delivered to Ben L. Fairbanks, amounting to $194, if I am correct; one check to be delivered to Julius Brown for $165, if I am correct. Those were the only portion that came through my office.

The CHAIRMAN. Do you know whether any part of it was for the payment of attorneys' fees?

Mr. HOWARD. No. I think the checks stated that it was under this appropriation, by authority of that appropriation. I delivered them.

The CHAIRMAN. Did not the Beaulieu people employ attorneys in connection with their visit; or do you know whether they did?

Mr. HOWARD. Not by authority of the Indians, to my knowledge.

The CHAIRMAN. As a matter of fact, do you know whether they did?

Mr. HOWARD. I do not.

The CHAIRMAN. One of the acts providing for the establishment of the White Earth Reservation, I believe, designates the land there as agricultural land. What is the fact about the character of the land?

Mr. HOWARD. The west portion of it is all prairie.

The CHAIRMAN. You told us of that yesterday, did you not?

Mr. HOWARD. Probably one-half of it being prairie.

The CHAIRMAN. What as to the timber land, when cleared?

Mr. HOWARD. Most of those lands can be cultivated; the timber land when it is cleared up. There is a great variety of soil there.

The CHAIRMAN. I suppose calculated to produce, as you have stated, wheat and oats mostly?

Mr. HOWARD. Anything that can be grown in that latitude.

The CHAIRMAN. I am requested to ask if you know that nine of the reservations were opened by the Nelson Act?

Mr. HOWARD. No; I do not know.

The CHAIRMAN. You spoke, Major, of the annual celebration; what is that?

Mr. HOWARD. Those Indians came to White Earth 44 years ago the 14th of June, and annually thereafter they have got together and celebrated the event.

The CHAIRMAN. Is that a one-day affair?

Mr. HOWARD. It is usually called the 14th of June celebration; but since I have been there they have remained more than one day, sometimes two or three days.

The CHAIRMAN. How many attend?

Mr. HOWARD. This year the crowd was estimated—not all Indians, visitors and all—over 5,000 on the first day.

The CHAIRMAN. What takes place there?

Mr. HOWARD. Indian games, smoking the peace pipe between the Sioux and Chippewa being one important feature. There were several hundred Sioux there this year, invited guests.

The CHAIRMAN. Where did they come from?

Mr. HOWARD. And they were entertained; the entertainment was for that purpose. They came from Sisseton. There were Indians from Sisseton on the Sioux reservation, there were Indians from Red Lake, there were Indians from Leech Lake, and there were Indians from Wisconsin.

Mr. BURCH. The Sissetons of South Dakota, you mean?

Mr. HOWARD. Yes; the Sissetons of South Dakota. Those were Sioux who came there; the others were Chippewas.

The CHAIRMAN. What is the nature of the games you speak of as Indian games.

Mr. HOWARD. It would be a pretty long list.

The CHAIRMAN. Just the names of a few of them.

Mr. HOWARD. There is the peace pipe.

The CHAIRMAN. Do you call that a game?

Mr. HOWARD. I can not give that in Indian. Miss Warren, will you give those names in Indian?

The CHAIRMAN. That will not enlighten us much. If you can not give them in English we will do without them.

Mr. HOWARD. They have canoe races and sham battles, and they have a woman's game; I do not know what they call it.

The CHAIRMAN. Are the occasions generally peaceable?

Mr. HOWARD. Oh, yes; if whisky is kept away.

The CHAIRMAN. Do they have oratory?

Mr. HOWARD. A good deal of it, sometimes.

The CHAIRMAN. Indian or white man?

Mr. HOWARD. Both.

The CHAIRMAN. What are the subjects discussed?

Mr. HOWARD. Whatever the Indian wants to talk about. Sometimes they talk about their old times, sometimes they talk about their war parties, and their coming to White Earth. They are very eloquent, some of them.

The CHAIRMAN. Are those speeches in the Indian tongue always?

Mr. HOWARD. Generally in the Indian tongue and translated.

The CHAIRMAN. Translated as the speaker goes on?

Mr. HOWARD. Yes; by interpreters.

The CHAIRMAN. And when white men speak the contrary rule is followed?

Mr. HOWARD. Yes. At the last one we had a Chippewa and a Sioux to interpret my remarks, and some of the others.

The CHAIRMAN. Who were the white orators in addition to yourself.

Mr. HOWARD. One of them sits at the end of the table, Mr. Hinton.

The CHAIRMAN. Did he speak in English or in Indian?

Mr. HOWARD. He spoke in English; but it was given to them in Indian, and they were very much pleased with it, or some of it; patted him on the back.

Mr. GEORGE. Only with some of it?

Mr. HOWARD. Some of it; perhaps more.

The CHAIRMAN. Are they voters?

Mr. HOWARD. The mixed-bloods usually vote.

The CHAIRMAN. Do they run into politics sometimes?

Mr. HOWARD. Sometimes.

The CHAIRMAN. How about white politicians? Do they not get in there?

Mr. HOWARD. There is usually considerable politics up there on the county officers. The election of county officers is considered usually over there very seriously. Mr. Steenerson, who sits there, has been adopted into the tribe.

The CHAIRMAN. On account of his eloquence in the Indian tongue?

Mr. HOWARD. He is well acquainted with them.

The CHAIRMAN. Who manages the expenditure of the $1,000 appropriated for the occasion?

Mr. HOWARD. The act appropriating it has provided that it shall be expended by an executive committee selected by the Indians; and the check has been turned over by me to that committee each time.

The CHAIRMAN. How many of those occasions have you been present at?

Mr. HOWARD. Three.

The CHAIRMAN. Has there been any marked disorder at any of them?

Mr. HOWARD. I took charge in May, 1908; June 14 was the first celebration. I took very vigorous measures to prevent any disorder. I seized, just before that celebration, 16 barrels of whisky in different raids that I made. I locked up 34 or 35 men and women. The celebration of June 14 passed off as quietly as you ever saw one anywhere, no disturbance, no fights. The only accident was where one Indian had a limb broken falling off a horse in a race.

The CHAIRMAN. What did you do with the seized liquor?

Mr. HOWARD. I held that until the courts disposed of it.

The CHAIRMAN. The court must have been sitting in banc. [Laughter.]

Mr. HOWARD. It was a nuisance. I had to keep it so long before I could get rid of it.

Mr. HENSLEY. That amount?

Mr. HOWARD. Yes [laughter]; barrels and kegs of whisky, alcohol, and everything. This year we had a very quiet time. We seized a large quantity of whisky. My right has been questioned. I met the train at Onamia with my police, and I took the whisky as it came off. I got 6 gallons from one outfit, and have it yet. They did not have it for the 14th of June.

The CHAIRMAN. Is it invariable that when they drink they quarrel?

Mr. HOWARD. They do.

The CHAIRMAN. It always happens?

Mr. HOWARD. Just as quick as an Indian gets whisky and I hear of it, I go right after him, or else there is trouble. He is crazy.

The CHAIRMAN. To what extent is there drinking on the reservation?

Mr. HOWARD. At the present time there is more than there was a year ago; they are bringing it in, and I am unable to suppress it altogether. For months we had hardly a man on the police record for drunkenness; now they are coming in almost every week.

The CHAIRMAN. You are the judge in all those cases?

Mr. HOWARD. When a man is arrested for drunkenness I take the whisky away from him and generally destroy it, lock him up until he is sober, and then I suggest to him that the proper thing for him to do is to sign the pledge. They usually do that without any objection, but some of them do not keep it a great while.

The CHAIRMAN. Does the pledge have any moral binding effect on them?

Mr. HOWARD. Some of them have kept it.

The CHAIRMAN. From moral reasons or other reasons?

Mr. HOWARD. I have got an Indian who renews that pledge annually. He came this year of his own accord. I make that for one year usually.

The CHAIRMAN. That is wiser. It holds out hope to him that the end will come. Does he usually make a break at the end of the year and indulge?

Mr. HOWARD. No. This fellow used to be a terror. I had some trouble with him at the start, but for two years he has not touched it, I think.

The CHAIRMAN. Are the Indians who drink men who will work, or are they the other kind?

Mr. HOWARD. They are both. The only safety is to keep it away from them generally.

The CHAIRMAN. Are there any villages on the reservation where there are more white people than there are Indians?

Mr. HOWARD. I think Calloway may have a preponderance of white people; it is a little village; it is right near the reservation line, only a few rods.

The CHAIRMAN. How much of the land in that county, which is all reservation, would you say is free of taxes?

Mr. HOWARD. In the reservation?

The CHAIRMAN. Within the reservation; yes.

Mr. HOWARD. All of the mixed-blood allotments are taxable; the full-blood are not.

The CHAIRMAN. That is what I understood.

Mr. HOWARD. And the minors are not.

The CHAIRMAN. I wanted to get the proportion of each.

Mr. HOWARD. There are, I think, about 1,700 minor allotments; there are about a thousand or eleven hundred full-blood allotments, The rest would be mixed-blood adults, approximately.

The CHAIRMAN. The rest would be about how many?

Mr. HOWARD. About 3,500.

The CHAIRMAN. Do you know what the rate of taxation is on the $100 of taxable land?

Mr. HOWARD. In Mahnomen County it is pretty high.

The CHAIRMAN. That is the one I mean; the one that is wholly within the reservation.

Mr. HOWARD. That is pretty high up there. I cannot give you the percentage, but they are carrying pretty big burdens up there.

The CHAIRMAN. Major, let me ask you one question with reference to the annual celebration of 1909. How much money was expended, if you know?

Mr. HOWARD. There was first a thousand dollars appropriated by Congress. After I received the check and turned it over to the executive committee, they came to me with a delegation of the head chiefs and stated that it was not enough, and on their request I requested another thousand, which was sent—no, 1909?

The CHAIRMAN. 1909 I inquired about.

Mr. HOWARD. There was a thousand dollars only. It was 1910 when the two thousand was sent.

The CHAIRMAN. Who was the chairman of the executive committee of that year, 1909? That was the second year you were there.

Mr. HOWARD. I have forgotten.

The CHAIRMAN. In 1910—that would be last year—you say $2,000 were spent?

Mr. HOWARD. There were two thousand.

The CHAIRMAN. How did you get the additional thousand?

Mr. HOWARD. At the request of the headmen, who joined in a telegram to the department, and I recommended it.

The CHAIRMAN. Is there any law authorizing the bureau, or the department, to advance them money for that purpose; and if there is, why bother Congress with making an appropriation for the occasion?

Mr. HOWARD. It came from the Indian moneys, but I do not know from what fund.

The CHAIRMAN. What was the occasion for the second thousand last year?

Mr. HOWARD. They represented that they had a great many visitors; that they were hungry; and that they had not money enough to take care of them.

The CHAIRMAN. Hungrier than usual?

Mr. HOWARD. They did not have anything for them, they claimed; not enough to go around.

The CHAIRMAN. Were you there?

Mr. HOWARD. I was there.

The CHAIRMAN. So far as you could observe was there need for twice as large an expenditure as in other years?

Mr. HOWARD. I paid very little attention to the matter of expenditures, because it was turned over to the committee. But this year there was a larger crowd, and they have $13 left.

The CHAIRMAN. Out of one thousand?

Mr. HOWARD. Out of one thousand.

The CHAIRMAN. Who was the chairman of the executive committee, or whatever you call it?

Mr. HOWARD. George Walters, one of the full-bloods that was here last winter, was at the head of that committee. Ish-qua-ga-bow was another member of that committee. Benjamin Caswell, who is principal of the Cass Lake School, was another member of that committee.

The CHAIRMAN. Who was the chairman the year before, when the $2,000 were expended?

Mr. HOWARD. I have forgotten who they were. I turned the money over to Ben Fairbanks, Julius Brown, and I think Gus Beaulieu was the other one; there were two of them that came to my office. I gave them a receipt, and they carried it out, and I think Gus signed it, and I gave them the check.

The CHAIRMAN. Do any white men participate in any way in the management of the annual celebration?

Mr. HOWARD. They did not this year; it was all Indians; all the committees were Indians.

The CHAIRMAN. Was the multitude fed out of this thousand dollars?

Mr. HOWARD. The visitors are fed.

The CHAIRMAN. The local people bring their baskets with them?

Mr. HOWARD. Those that live right around White Earth, in that vicinity, take care of themselves, but the visitors from a distance are fed. They bring their tents, and each band locates by itself. It is quite picturesque to see those villages out there.

Mr. BURKE. By visitors you mean Indians, I suppose?

Mr. HOWARD. Indians; yes.

The CHAIRMAN. I presumed so; visiting delegations of Indians?

Mr. HOWARD. Yes.

The CHAIRMAN. Do they have any music on those occasions?

Mr. HOWARD. Lots of it.

The CHAIRMAN. What kind?

Mr. HOWARD. Drums; and then they have bowery dances, with the usual accompaniments. They have pianos.

The CHAIRMAN. You mean by that some form of white man's dance?

Mr. HOWARD. Yes. This year we had two brass bands. For two years I labored to organize a brass band at the White Earth School. I have got one there of 17 pieces, and we do not have as many runaways. The children do not run away since we have got that band. They all want to belong to that band.

The CHAIRMAN. Do they develop any musical ability?

Mr. HOWARD. Some of them are just natural musicians. They pick it up. They can not read music, but they pick it up by ear.

The CHAIRMAN. They carry the tunes?

Mr. HOWARD. Yes; naturally.

The CHAIRMAN. The other impression is generally abroad in the land about the Indian race, that they are not musical.

Mr. HOWARD. Some of them are very musical.

Mr. GEORGE. You spoke about taxes at various times during your testimony. I would like to ask what authority lays the taxes upon the lands of the mixed-bloods?

Mr. HOWARD. The usual county machinery.

Mr. GEORGE. What is the rate of taxes?

Mr. HOWARD. I can not answer that.

Mr. GEORGE. What are these taxes for?

Mr. HOWARD. For county, State, and town purposes.

Mr. GEORGE. And fall on what?

Mr. HOWARD. They fall upon the real estate and the personal property.

Mr. GEORGE. Land and improvements and personalty?

Mr. HOWARD. And the stock, the tools, household utensils, all classes of personal property.

Mr. GEORGE. And there is complaint of these taxes?

Mr. HOWARD. In some cases there was complaint that they were levied on the full-bloods or minors that were exempt; and those are the ones that we investigated or looked up.

Mr. GEORGE. And in a case where they fall upon the possessions of the mixed-bloods, is there any complaint?

Mr. HOWARD. The adult mixed-blood property is subject to taxation the same as the white man's. Yes; I have had complaints. They complained that they thought the rates and amounts were excessive.

Mr. GEORGE. Any complaints about the valuation?

Mr. HOWARD. I can not recall that there were. But where mixed-bloods have come in with complaints I have referred them to their county commissioner in the district where they reside as being the better authority.

Mr. GEORGE. Do you know the county commissioner?

Mr. HOWARD. No; not always. I know some of them.

Mr. GEORGE. Have you had any reason to question the nature of the assessments, whether they have been equal or unequal?

Mr. HOWARD. No; I never have. I think they aim to get them pretty equal.

Mr. GEORGE. So that those people complained——

Mr. HOWARD. As to the amount of taxes, those who came to me.

Mr. GEORGE. You made a statement about one case that came to your attention where $17 was the amount of the tax bill.

Mr. HOWARD. On one 80 of land, unimproved.

Mr. GEORGE. Unimproved?

Mr. HOWARD. Unimproved.

Mr. GEORGE. What was the nature of this land?

Mr. HOWARD. Prairie; agricultural land. It was just simply in its virgin state.

Mr. GEORGE. Eighty acres. That would make a pretty stiff valuation at 2 per cent, would it not?

Mr. HOWARD. It would be pretty heavy. She thought it was so heavy that she wanted to sell her land.

Mr. GEORGE. What did you think about it?

Mr. HOWARD. I told her that she was an adult mixed-blood; that she was competent to handle her own affairs; and that she could sell it without interference from the agency office. I do not know whether she sold it or not.

Mr. GEORGE. That would be about 4 per cent. That would give a valuation of about $10 an acre at 4 per cent, would it not?

Mr. HOWARD. Land would not be appraised at $10 an acre for taxation purposes, probably; very little of it would be appraised at over half its value, if quite half.

Mr. GEORGE. Is that the custom—to give a 50 per cent valuation?

Mr. HOWARD. It depends on the township assessor. They have them equalized by the board of equalization for each county. But I do not think the assessed valuation of land up there will average $10 an acre on that reservation. But they have to raise considerable money to pay their indebtedness—it is a new county and a small one—and the rate is pretty stiff over there. They are spending money for roads and public improvements.

Mr. GEORGE. What is your judgment about the manner of taxation there; first, of the assessing; is it pretty equal assessment?

Mr. HOWARD. The county board pass upon all that, and they endeavor to equalize. Every taxpayer is permitted to come before that board of equalization, when they meet, with his complaints; and they listen to him. The intent of the law is to give everyone an opportunity to be heard on these points.

Mr. GEORGE. Who appoints the county board?

Mr. HOWARD. They are elected. The counties are divided into commissioner districts. In Becker County there are five commissioner districts, and they are elected. There is usually more excitement and political interest in electing those county commissioners than any other county officers.

Mr. GEORGE. Who constitute the electors?

Mr. HOWARD. The voters, at a general election.

Mr. GEORGE. How many voters are in that particular place?

Mr. HOWARD. In Becker County?

Mr. GEORGE. In that county.

Mr. HOWARD. I can not tell you.

Mr. GEORGE. They constitute whites and mixed-bloods?

Mr. HOWARD. Oh, yes; it is virtually white, Becker County is.

Mr. HANNA. Probably Mr. Steenerson could tell you the number of voters.

Mr. HOWARD. Mr. Steenerson could tell you. It is a large county.

Mr. STEENERSON. I think the vote there must be between 3,000 and 4,000.

Mr. GEORGE. Has there been any complaint that you have ever heard of as to inequality in assessment?

Mr. HOWARD. Yes. I had an Indian come to me this last year with a notice that his property was taxed at such an amount, and he thought that it was unreasonable, and I sent him down to the meeting of the board at Detroit to take the matter up before them. He never came back to me with any complaint. I presume it was satisfactorily adjusted.

Mr. GEORGE. Was he a large landowner or a small landowner?

Mr. HOWARD. No; a small landowner.

Mr. GEORGE. Have you received any complaints from the large landowners?

Mr. HOWARD. No: I do not think I have. The ones who came to me were from the Indians, and they are generally small holders.

Mr. GEORGE. And they complain of the amount of taxes they are expected to bear?

Mr. HOWARD. Yes.

Mr. GEORGE. You thought in the case of that $17 it was excessive?

Mr. HOWARD. I thought it was. She wanted to sell the land.

Mr. GEORGE. Was that a typical case of those complaining?

Mr. HOWARD. That one I recall specially.

Mr. GEORGE. Supposing the same rate should be levied, the same excessive rate she complained of should fall on the large landowners of that country, what do you suppose would happen then?

Mr. HOWARD. I suppose they would have to pay it.

Mr. GEORGE. Maybe they would let it go, too?

Mr. HOWARD. They would have to pay it.

Mr. GEORGE. Maybe they would want to sell, too; what do you think?

Mr. HOWARD. I would if I owned it. Seventeen dollars for an 80-acre tract is a pretty heavy tax.

Mr. GEORGE. It would indicate a pretty good value to that land—$17 on 80 acres.

Mr. HOWARD. It would indicate a fair value; but it would indicate also a high rate in the county, probably.

Mr. GEORGE. But for a really inferior land, comparatively; taking all the land in that part of the country, that land would be under the average in value, would it not?

Mr. HOWARD. This particular 80?

Mr. GEORGE. Yes.

Mr. HOWARD. I do not remember now just where it was located. But my recollection is that it was a pretty good piece of land. I think it was up in the vicinity of Beaulieu, and that is very excellent land up there.

Mr. GEORGE. You said in your testimony yesterday or the day before that you thought the average price of the land, I think you said the land still in the hands of the Government, was about $25 an acre?

Mr. HOWARD. No, I guess not; I said from $5 to $20, the remaining lands.

Mr. GEORGE. Five to twenty?

Mr. HOWARD. Yes; there is a variety of them. The better lands, you understand, have been selected, generally.

Mr. GEORGE. Of the land that was sold under the act of 1889, how much would be relatively of the same value as this land that remains? Or, to put it in another way, was the land that was sold under the act of 1889 the same average value per acre as the land you say remains now at from $5 to $20 an acre?

Mr. HOWARD. I think it was better land, generally. The best of the lands, I think, have been disposed of.

Mr. GEORGE. So that the land that was sold under that act for $1.25 was worth very much more than the land now remaining, which you believe is worth from $5 to $20 an acre?

Mr. HOWARD. The lands that are remaining—some of them—are broken, some of it is faulty. The best lands have, generally, been selected. There are some good tracts now, but if you find 40 acres of good land in any place, it will be the exception. You will not find a quarter section or an eighth of all good land that is left.

Mr. BURKE. Major, you stated that there were about 1,700 minors, mixed-bloods and full-bloods, and about 1,100 full-bloods. Is that correct?

Mr. HOWARD. I can not be positive about that; that is only approximate. I have not any data here, only my recollection. I think that Mr. Hinton is prepared to answer those questions definitely, but I can not.

Mr. BURKE. This would make, then, about 2,800 of the two together, the two classes?

Mr. HOWARD. Something like that, perhaps.

Mr. BURKE. They have not sold their lands, have they?

Mr. HOWARD. The minors and the full-bloods are the ones who are now in litigation—much of it.

Mr. BURKE. When you state that 80 per cent of the land was sold when you went there, or has been sold up to the present time—I do

not care which—do you mean 80 per cent of the allotments owned by the Indians who are mixed bloods or 80 per cent of all the land?

Mr. HOWARD. I endeavored to correct that statement the first day. I stated that when I first went there I attempted to do some farming, and that I made a list, or had made a list, of about 100 Indians who wanted to farm. Upon investigation I found that about 80 per cent of those had sold their land.

Mr. BURKE. Then, I understood you to say yesterday that when you said 80 per cent you meant 80 per cent of that list?

Mr. HOWARD. Of that list; yes.

Mr. BURKE. But at this time I understood that about 80 per cent of them had sold their land?

Mr. HOWARD. Eighty per cent, I meant, of that list.

Mr. BURKE. Can you give us any idea as to how much of the land has been sold?

Mr. HOWARD. No; nothing definitely. I have no figures I can give.

Mr. BURKE. Just one or two questions. Are they erecting any schools in that reservation that are known as State or local schools?

Mr. HOWARD. They are, in Mahnomen County; and that is one of the sources of high taxes there.

Mr. BURKE. And do the Indians have the right to send their children to those schools?

Mr. HOWARD. So far as I know.

Mr. BURKE. Have you any compulsory measures of education on the reservation? Can you force Indians to go to school?

Mr. HOWARD. We endeavor to.

Mr. BURKE. Can you do it?

Mr. HOWARD. Yes, we do; we send out and bring them into the boarding school.

Mr. BURKE. You spoke of Mr. Congdon. There are two Mr. Congdons, I believe, one a young man and the other his father, an older man, of course. Which one do you refer to when you say Mr. Congdon?

Mr. HOWARD. I do not know either of them, that I recall. I do not recall ever meeting them many times. I may have.

Mr. BURKE. You spoke of a Mr. Congdon, a millionaire from Duluth, having bought some land. I understand there is a very prominent man in Duluth by the name of Congdon, who is a millionaire, and that he has a son who has bought some land, but not the old gentleman; and I wanted to see if you could tell which it is.

Mr. HOWARD. No. It is only from hearsay—my information.

Mr. BURKE. Do you know a member of the White Earth Tribe by the name of Wain-she-mah-dub, who poses as a chief?

Mr. HOWARD. Is that Joe Gritts?

Miss WARREN. Yes.

Mr. BURKE. Who is he?

Mr. HOWARD. He is a petty chief, called Joe Gritts.

Mr. BURKE. Is he an Indian?

Mr. HOWARD. Yes.

Mr. BURKE. A full-blood?

Mr. HOWARD. No.

Mr. BURKE. About what blood would you say he is?

Mr. HOWARD. Well, I would say that Joe is half or more.

Mr. BURKE. Do you know one by the name of Nez-le-kay-we-goh-how?

Mr. HOWARD. Is that Jack Rabbit?

Miss WARREN. No; that is Knickerbocker.

Mr. HOWARD. Oh, yes; I know him.

Mr. BURKE. Is he an Indian?

Mr. HOWARD. Yes.

Mr. BURKE. A full-blood?

Mr. HOWARD. Yes.

Mr. BURKE. Do you know Shaday?

Mr. HOWARD. Tom Swan; yes, sir.

Mr. BURKE. What is he?

Mr. HOWARD. An old Grand Army veteran. He claims to be a full-blood. I doubt it.

Mr. BURKE. Do you know Keche-Mah-Qua?

Miss WARREN. Big Bear.

Mr. HOWARD. Which one, the old man?

Miss WARREN. Yes.

Mr. HOWARD. I do; yes.

Mr. BURKE. What is he?

Mr. HOWARD. He is an Indian.

Mr. BURKE. Full-blood?

Mr. HOWARD. Petty near.

Mr. BURKE. Do you know Budig-onse?

Miss WARREN. William Potter.

Mr. HOWARD. I know him.

Mr. BURKE. What is he?

Mr. HOWARD. About a quarter-blood, I think. He claimed once to be full-blood, but I do not think he is over half.

Mr. BURKE. Do you know whether or not these Indians I have just named were members of the delegation that came to Washington last winter?

Mr. HOWARD. Some of them were, I recall.

Mr. BURKE. In the Beaulieu delegation?

Mr. HOWARD. Yes.

Mr. BURKE. I show you a paper, Major, and ask you to examine it [handing witness paper]. Have you examined the paper?

Mr. HOWARD. I have.

Mr. BURKE. Can you state what it purports to be?

Mr. HOWARD. It is a voucher for actual and necessary expenses of members of the White Earth Band of Indians, purporting to have been sent by a council of several Indians held December 10, 1910, to represent the band in Washington.

Mr. BURKE. Is there anything upon that paper that shows whether or not a duplicate of it was ever filed in your office?

Mr. HOWARD. A duplicate was never filed in my office.

Mr. BURKE. If you will examine the paper, you will notice it says a duplicate was sent to the superintendent, and it is addressed to the superintendent. If such a duplicate was sent to your office, you have no knowledge of it?

Mr. HOWARD. I have no recollection of ever seeing it.

Mr. BURKE. What is the amount stated there, Major, as having been paid for the expenses of that delegation?

Mr. HOWARD. The total amount?

Mr. BURKE. Yes, sir.

Mr. HOWARD. $1,535.45.

Mr. BURKE. Do you know about what time this delegation came here?

Mr. HOWARD. In December, sometime.

Mr. BURKE. For the purpose of refreshing your memory, I will say that the vouchers say that they came on the 11th of January, 1911. Was that about the time, do you think?

Mr. HOWARD. That may be.

Mr. BURKE. Do you know whether or not they were detained here because they were unable to get out of the city for want of money?

Mr. HOWARD. I have no knowledge of that.

Mr. BURKE. Do you know how long they did stay?

Mr. HOWARD. No; I know they came home, but I have forgotten.

Mr. BURKE. Some time in March, was it?

Mr. HOWARD. Yes; this spring.

Mr. BURKE. They were there, then, probably two months?

Mr. HOWARD. If they came in January, yes; probably.

Mr. BURKE. Here are all the vouchers. Perhaps the committee may want to see them. Some of the bills, I may say, were disallowed. The paper I showed him shows the total amount.

Mr. HOWARD. If a copy was sent to my office, it was probably filed there by the clerk.

Mr. BURKE. It is not material. But I supposed from that that a copy had been sent you.

Mr. HOWARD. It may be there.

Mr. BURKE. And that you might have had knowledge of the amount.

Mr. STEENERSON. Have you given the total number of mixed and full bloods on White Earth Reservation?

Mr. HOWARD. I can not be positive about it—mine is only an estimate—without consulting the data.

Mr. STEENERSON. What do you give? Does not your list show exactly?

Mr. HOWARD. The total is somewhere between five and six thousand.

Mr. STEENERSON. Is that as near as you can come to it?

Mr. HOWARD. Yes. Our last payment was something over 5,000; I can not give the number.

Mr. STEENERSON. How many of those actually reside on White Earth Reservation?

Mr. HOWARD. That I could not answer. In making these payments I went from point to point, and the Indians came in there. But where they resided, of course, I could not tell you.

Mr. STEENERSON. You traveled to Minneapolis?

Mr. HOWARD. Yes.

Mr. STEENERSON. Two hundred and forty miles from White Earth, in order to pay off White Earth Indians?

Mr. HOWARD. Yes.

Mr. STEENERSON. And you traveled to Bemidji?

Mr. HOWARD. Yes; you get those from Red Lake down there.

Mr. STEENERSON. You did not pay any White Earths there?

Mr. HOWARD. There were some came in there from Wild Rice, and some came in from Cass Lake.

Mr. STEENERSON. How many different points outside of White Earth did you visit last year in paying off White Earth Indians their annuities?

Mr. HOWARD. Three.

Mr. STEENERSON. Bemidji, Minneapolis——

Mr. HOWARD. And Walker.

Mr. STEENERSON. Do you know whether some of these so-called White Earth Indians are residents outside of Minnesota?

Mr. HOWARD. I know some of them are; yes. We sent their checks to them by mail.

Mr. STEENERSON. Sent them to Seattle and Spokane?

Mr. HOWARD. There were checks sent to some points in California——

Mr. STEENERSON. Yes.

Mr. HOWARD. Some points in Montana, and some to the school at Carlisle.

Mr. STEENERSON. Pennsylvania?

Mr. HOWARD. One to Florida and may be other points.

Mr. STEENERSON. So that quite a large proportion of these five or six thousand that are belonging to the White Earth Reservation are not actually living on the reservation?

Mr. HOWARD. Yes; there are a good many.

Mr. STEENERSON. There are some that do not?

Mr. HOWARD. There are some.

Mr. STEENERSON. About what proportion would you say are not residents of the White Earth?

Mr. HOWARD. I could not tell without looking at the records. They are shifting around. We encourage them to go as much as possible where they can get employment. I think I paid over 100 at Minneapolis. Some of them came from St. Paul; they came from Princeton; they came from Mendota; and I think there were one or two from Fargo that we made that payment to.

Mr. STEENERSON. Several hundred of the White Earth Indians, so called, were allotted to the White Earth Reservation.

Mr. HOWARD. I think possibly; yes.

Mr. STEENERSON. And you say there were about 1,700 minor allotments?

Mr. HOWARD. That is my guess.

Mr. STEENERSON. Eleven hundred full-blood allotments and about 3,500 mixed-blood, making 6,300 allotments. Now, does that represent 6,300 individual allotments, or did some of the Indians have two allotments?

Mr. HOWARD. Some of them had two.

Mr. STEENERSON. Did you make actually 6,300 allotments?

Mr. HOWARD. No; not quite so many.

Mr. STEENERSON. About 6,000?

Mr. HOWARD. I would say there were between 5,000 and 6,000 allottees.

Mr. STEENERSON. So that the large number of 6,300 allotments would indicate that the difference would be accounted for by some Indians having two allotments?

Mr. HOWARD. Well, most of them had two.

Mr. STEENERSON. Most of them had two?

Mr. HOWARD. Yes. I don't mean there would be 6,300 people there, but I mean between five and six thousand on the White Earth. That is merely my estimate that I have given you there.

Mr. STEENERSON. Yes; I understand it is as near as you can estimate it.

Mr. HOWARD. Yes.

Mr. STEENERSON. Well, as a matter of fact, there have been more than 6,000 allotments on that reservation?

Mr. HOWARD. Well, about two to each allottee.

Mr. STEENERSON. Well, if there were two to each of 5,000 there would be 10,000 allotments, would there not?

Mr. HOWARD. Some only received one and some have not had any.

Mr. STEENERSON. But don't you know the total number of allotments?

Mr. HOWARD. Not without looking at the record.

Mr. STEENERSON. Does anybody here know—Mr. Hinton?

Mr. HOWARD. Mr. Hinton has his book right there before him.

Mr. STEENERSON. Now, the chairman asked you about the part of the White Earth Reservation that was disposed of under the Nelson Act, or the act of 1889, and you spoke of that as being the best land. I think you are mistaken about that?

Mr. HOWARD. I am; that means the four townships.

Mr. STEENERSON. Now, that is what is usually called the four townships, isn't it?

Mr. HOWARD. Oh, yes.

Mr. STEENERSON. That is the older part of the original thirty-six that were disposed of by the Nelson Act?

Mr. HOWARD. Yes.

Mr. STEENERSON. That is the older part?

Mr. HOWARD. I wish to correct that.

Mr. STEENERSON. Well, that is all right; I only thought that you were mistaken.

The original White Earth Reservation embraced 36 townships.

Mr. HOWARD. Yes.

Mr. STEENERSON. And under the act of 1889, the White Earth Chippewas executed a conveyance of the four townships to the United States, to be disposed of by the United States; you know that to be a fact?

Mr. HOWARD. I have read it.

Mr. STEENERSON. Yes. And those four townships were the best agricultural lands.

Mr. HOWARD. No; those four townships ceded were timberland.

Mr. STEENERSON. They were really poor agricultural land?

Mr. HOWARD. Much of it was poor.

The CHAIRMAN. But valuable land?

Mr. STEENERSON. Well, I will get to that in a minute.

You know that under that act, the Nelson Act, there were two kinds of land—farm lands and agricultural lands.

Mr. HOWARD. No; I am not familiar as to that.

Mr. STEENERSON. And you do not know that most of those four townships were classed as pine land?

Mr. HOWARD. Yes; I know that.

Mr. STEENERSON. Now, did you ever learn how much the White Earth Indians or the Chippewa Indians realized out of the pine on

the four townships, where the Government managed the disposal of the pine?

Mr. HOWARD. I can not recall that I did.

Mr. STEENERSON. Haven't you looked into that at all?

Mr. HOWARD. It may be there in the office, but it was done many years ago.

Mr. STEENERSON. Don't you know that it was less than a dollar and a quarter a thousand?

Mr. HOWARD. No; I do not.

Mr. STEENERSON. You have heard that, haven't you, that that is all that was realized?

Mr. HOWARD. I may have heard that, but I am not certain.

Mr. STEENERSON. Now, in speaking of the sales of the land by the Indians themselves, don't you know that most of the timberland was sold before you got there?

Mr. HOWARD. The pine?

Mr. STEENERSON. Yes; and you know about the prices that were paid?

Mr. HOWARD. Only where it came to my notice.

Mr. STEENERSON. Some of them did come to your notice?

Mr. HOWARD. Yes.

Mr. STEENERSON. I think you mentioned in your direct evidence that $20.000 was paid for an allotment; that is true, isn't it?

Mr. HOWARD. I heard so.

Mr. STEENERSON. That came to your knowledge?

Mr. HOWARD. Yes.

Mr. STEENERSON. How much of an allotment was it?

Mr. HOWARD. Eighty acres.

Mr. STEENERSON. $20,000 for 80 acres is what the Indian received for it, so far as you know?

Mr. HOWARD. So I have been told.

Mr. STEENERSON. Do you know who he was?

Mr. HOWARD. John Berry.

Mr. STEENERSON. Was he a full-blood or a mixed-blood?

Mr. HOWARD. A mixed-blood.

Mr. STEENERSON. Is he any kind of a business man?

Mr. HOWARD. No; he is not.

Mr. STEENERSON. He sold his land for more than the Government did, didn't he?

Mr. HOWARD. He got rid of it.

Mr. STEENERSON. And he got the money for it, didn't he?

Mr. HOWARD. I understood he got $20,000.

Mr. STEENERSON. And that was paid by what company?

Mr. HOWARD. That I have forgotten.

Mr. STEENERSON. Now, you have had something to do with the sales that were made before your time, that had not been consummated, as to those lumber companies, haven't you—some sales that were made before you came there?

Mr. HOWARD. I can't say.

Mr. STEENERSON. I understood you say that you had managed to get bond so that in case the land was determined to be coal land you would get the money back.

Mr. HOWARD. Yes; that was in trespass cases.

Mr. STEENERSON. Well, if the grantor—the man that sold the land—was a full-blood, isn't it trespass?

Mr. HOWARD. The money was to be retained in those cases.

Mr. STEENERSON. And if a mixed-blood, he had the right to sell?

Mr. HOWARD. Yes; if a mixed-blood, he had the right to sell.

Mr. STEENERSON. So that you have come to have something to do with that kind of sales?

Mr. HOWARD. A few of them.

Mr. STEENERSON. Were you informed by the Indians themselves?

Mr. HOWARD. A few of them have come to me in that way.

Mr. STEENERSON. How many of those cases—a hundred?

Mr. HOWARD. Oh, no.

Mr. STEENERSON. Fifty?

Mr. HOWARD. A very few of them.

Mr. STEENERSON. Well, what can you say about the prices—you learned the prices that it was sold for? Have you those cases?

Mr. HOWARD. There was one case that I had. A full-blood Indian came into the office——

Mr. STEENERSON (interposing). I don't want to go into the details; I just want to get, generally, the prices. I do not want to detain the committee.

Mr. HOWARD. Well, he sold his timber for $2 a thousand to a mill company.

Mr. STEENERSON. Which mill company?

Mr. HOWARD. A small one: one of those portable mills. I heard of it and seized the logs and made them pay $10 a thousand, and held the money to determine whether he was a mixed-blood.

Mr. STEENERSON. You are not speaking of the Nichols-Chisholm Co.: that is one of the biggest companies up there, isn't it?

Mr. HOWARD. That is the largest concern there.

Mr. STEENERSON. Haven't they also given bond or security to pay the Indians back if any of their sales are determined to be invalid: or do you know?

Mr. HOWARD. Yes. I heard of one case before I went there where Maj. Michilet seized a large——

Mr. STEENERSON (interposing). One allotment?

Mr. HOWARD. I think several allotments—and sued for damages. The matter was in court for some time, and I don't know how it terminated.

Mr. STEENERSON. Have you had occasion to find out what price the lumber companies were paying for stumpage?

Mr. HOWARD. Yes: from $8 to $10 now.

Mr. STEENERSON. Was that a reasonable price or a low price?

Mr. HOWARD. It was somewhat of a good price.

Mr. STEENERSON. What do you call a good price?

Mr. HOWARD. $10 is a big price for pine when you have got to haul it any distance.

Mr. STEENERSON. About as big a price as they ever realize for pine stumpage in the State of Minnesota, isn't it?

Mr. HOWARD. I think a pretty fair price is paid for it by the big companies now.

Mr. STEENERSON. Yes; the big companies pay the Indians as high a price as you ever heard of stumpage selling for.

Mr. HOWARD. I think they all pay him a pretty fair price.

Mr. STEENERSON. And pay the Indians all it is worth.

Mr. HOWARD. They are paying a fair price generally.

Mr. STEENERSON. In your opinion, they paid everything it was worth?

Mr. HOWARD. For everything that came to my notice, I should say so; yes.

Mr. STEENERSON. Was there any schedule whatever for the pine in those cases?

Mr. HOWARD. No; but the big companies have been pretty fair.

Mr. STEENERSON. It is those portable mills that you had the trouble with?

Mr. HOWARD. Yes.

Mr. STEENERSON. And that is comparatively small as compared with the three big companies?

Mr. HOWARD. The three big companies are handling the bulk of that pine timber.

Mr. STEENERSON. About what proportion is handled by those "small fry"—those portable mills?

Mr. HOWARD. Well, that is a pretty hard question to answer. Some of them come in, run a very short time, and pull out.

Mr. STEENERSON. Would the stumpage taken out by the portable men amount to one-tenth of the amount cut by the big companies?

Mr. HOWARD. I don't think it would, as a rough guess.

Mr. STEENERSON. You think the big companies cut the most of it?

Mr. HOWARD. Yes; with the exception of perhaps one or two cases they have been on the square.

Mr. STEENERSON. With the exception of one or two?

Mr. HOWARD. I think they get a pretty fair price.

Mr. STEENERSON. Did they get more than the market value—did they get the penalty?

Mr. HOWARD. They got the market.

Mr. STEENERSON. Did they collect the penalty?

Mr. HOWARD. In some cases.

Mr. STEENERSON. There was nothing lost in all their operations?

Mr. HOWARD. I had a good deal of work to run them down.

Mr. STEENERSON. You said that the timber was mostly cut.

Mr. HOWARD. I can't say as to that.

Mr. STEENERSON. When was it cut—before you came there or during the three years you have been there?

Mr. HOWARD. It has been cut every winter since I have been there.

Mr. STEENERSON. They have cut something like about 50,000,000 feet a year, haven't they, since you have been there?

Mr. HOWARD. I haven't been out in the cut-over district, but there is one concern that I think cuts 50,000,000 a year.

Mr. STEENERSON. At the White Earth Reservation?

Mr. HOWARD. Yes.

Mr. STEENERSON. They have done that for the three years you have been there?

Mr. HOWARD. I can't say. Last year I had occasion to go to a lake that was full of logs, and one of the men there told me there was 60,000,000 in that lake.

Mr. STEENERSON. Most of them came from White Earth?

Mr. HOWARD. From White Earth; yes. I know some of them were old logs.

Mr. STEENERSON. Probably there is a hundred million feet per year cut, from your testimony.

Mr. HOWARD. For the three mills.

Mr. STEENERSON. Yes; all the mills.

Mr. HOWARD. Yes; I presume so.

Mr. STEENERSON. And the standing timber is practically all gone.

Mr. HOWARD. I don't know how much they have cut, but I think most of the pine timber has been cut on that reservation.

Mr. STEENERSON. You don't know whether logging will continue more than a year or two longer?

Mr. HOWARD. Well, one of the companies is selling out. It is not the Nichols-Chisholm Co.

Mr. STEENERSON. Because the supply is exhausted?

Mr. HOWARD. I don't know why, but they are selling out the balance of their timber there.

Mr. STEENERSON. Well, how many townships are in this pine timber and white oak?

Mr. HOWARD. Well, that I can't say. I don't know as to that, because it is irregular, you know.

Mr. STEENERSON. Well, there are three or four tiers—more than half of the 32 townships—15 or 16 townships.

Mr. HOWARD. Taking out the four townships first ceded, there would be some pine scattered over the next three tiers of townships—perhaps two tiers would be pine, or the bulk of it.

Mr. STEENERSON. And there are six in a tier—six townships north and six south?

Mr. HOWARD. Yes; 12 townships.

Mr. STEENERSON. And from that tier you have only taken four?

Mr. HOWARD. There is not much pine on that now.

Mr. STEENERSON. Those 12 townships there?

Mr. HOWARD. I guess that covers it.

Mr. STEENERSON. That would be a quarter of a million acres or a little over?

Mr. HOWARD. Yes.

Mr. STEENERSON. Well, the pine, as you understand it, has been cut during your administration. Very little of it was cut before you came there?

Mr. HOWARD. No; I think that they had been logging two winters before I went there.

Mr. STEENERSON. Do you know whether the big lumber companies, so called—you said that you considered they had been pretty square in dealing with the Indians—do you know whether they had paid the Indians in full for their stumpage or whether they had held back something?

Mr. HOWARD. I do not know about that.

Mr. STEENERSON. Do you know the head chief, Mr. Mus Guchie?

Mr. HOWARD. Yes.

Mr. STEENERSON. Do you know about his daughter's or granddaughter's pine on that reservation?

Mr. HOWARD. I have heard about it.

Mr. STEENERSON. They paid $6,000?

Mr. HOWARD. Yes; something like that.

Mr. STEENERSON. Do you know of the complaint about that—that the Nichols-Chisholm Co. only paid a thousand dollars and held back $5,000, or held a thousand dollars?

Mr. HOWARD. They didn't come to me about that.

Mr. STEENERSON. They didn't complain to you?

Mr. HOWARD. No; they went to Judge Long with that.

Mr. STEENERSON. You heard about them holding back the money?

Mr. HOWARD. I heard about it.

Mr. STEENERSON. I guess the complaint was somewhat similar to the other cases where they are holding back money?

Mr. HOWARD. I may have heard of it, but I don't recall it.

Mr. STEENERSON. Do you know of other cases where they held back money where stumpage has been bought on the account of his daughter?

Mr. HOWARD. Those mixed-blood purchases never came to me individually.

Mr. STEENERSON. Who would they go to?

Mr. HOWARD. To the one who sold it.

Mr. STEENERSON. Would Mr. Hinton know?

Mr. HOWARD. If it was to him that the complaint was made.

The CHAIRMAN. Would they have it arranged in the contract for partial payment?

Mr. STEENERSON. I have not seen these contracts, and I do not know anything about how they read. Mr. Burch's speech is here, and I notice he mentions the fact that he had made arrangements to secure the payment of the deferred payments from these lumber companies, and I thought the agent would know about it.

Mr. HOWARD. A few only passed through my hands.

Mr. STEENERSON. And any party to this agreement where the lumber companies were a party—was he ever to account to the Government in case the man he purchased from turned out to be a full-blood?

Mr. HOWARD. I can speak only of cases of trespass.

Mr. STEENERSON. And that would depend upon whether the man was a full-blood or a mixed-blood, wouldn't it?

Mr. HOWARD. That is all there is to it; the purchases by the companies from the allottees didn't pass through my hands.

Mr. STEENERSON. You don't know anything about those cases, then, where the United States representative of the Department of Justice claims that a man sold pine on the allotment that he was not competent to sell, by reason of being a full-blood, and that thereafter the lumber company would not pay over the money held back to secure that pine; you don't know anything about that?

Mr. HOWARD. Well, those that came to my attention were turned over to Judge Long.

Mr. STEENERSON. However, some have come to your attention?

Mr. HOWARD. Yes; some of them.

Mr. BURCH. Mr. Steenerson, could I enlighten you about this, or would you prefer to get it from Maj. Howard?

Mr. STEENERSON. Well, I wanted to know from Maj. Howard, but perhaps you can state how many cases.

Mr. BURCH. I can't state how many cases.

Mr. STEENERSON. The total amount of them?

Mr. BURCH. No; I can't give you that.

Mr. STEENERSON. Can you give any estimate as to the amount of deferred payments that will eventually become due when the litigation is settled?

Mr. BURCH. No.

Mr. STEENERSON. These suits?

Mr. BURCH. No; it is not possible, in my opinion.

Mr. STEENERSON. I must have misread your statement in the record.

Mr. BURCH. I will state to you, and for the benefit of the committee, what I perhaps did not go sufficiently into detail about——

Mr. STEENERSON. I just wanted you to answer this question. If you can not, I am afraid you can't enlighten me.

Mr. BURCH. I am sorry I ventured in.

Mr. STEENERSON. If you will answer that I will be much obliged.

Mr. BURCH. No one on earth could answer that.

Mr. STEENERSON. Any such money that was held back by the lumber companies will be paid when the lawsuits are settled.

Mr. BURCH. They have agreed with us to pay us any valuation which is charged upon these cases that are in litigation.

Mr. STEENERSON. The amount——

The CHAIRMAN. Wait a minute. I do not think it best to fill the record with evidence of this character.

Mr. STEENERSON. All right. How many of those cases, Major, are there that have come to your knowledge?

Mr. HOWARD. Well, I can't say; I haven't any records here to show anything about it.

Mr. STEENERSON. I don't want your record; I want your recollection.

Mr. HOWARD. Oh, perhaps 30 or 40.

Mr. STEENERSON. What are the amounts involved, approximately, in those cases?

Mr. HOWARD. That I can't recall now. They came in wherever complaints have to come to me, alleging they had been cheated out of their land, and if I thought it was worth investigating I sent them to Judge Long.

Mr. STEENERSON. You are referring now to the agricultural land?

Mr. HOWARD. No.

Mr. STEENERSON. I am confining my inquiries entirely to the pine sold to these large lumber companies. They had been doing what you might call a reasonably fair business, and I wanted to know whether any of those cases that have come to your knowledge where they have wanted to cut the timber and didn't know who to pay the money to, whether they paid the Indian or paid it to the Government.

Mr. HOWARD. I don't recall anything special now, but I presume there have been. I don't recall who they were.

Mr. STEENERSON. Now, do you know anything about what was realized by the Government for the stumpage, outside of the White Earth Reservation, owned by these Chippewas, ceded under the Nelson Act?

Mr. HOWARD. Those four townships.

Mr. STEENERSON. Outside of them. You know that under the Nelson Act there were several million acres ceded.

Mr. HOWARD. I have no knowledge of that.

Mr. STEENERSON. You have never heard of it?

Mr. HOWARD. Well, if I have, I don't recall it.

Mr. STEENERSON. Many of those millions of dollars that have been reported here were in part from the sale of timber and in part agricultural lands.

Mr. HOWARD. I understand so; the tribal funds were derived from that.

Mr. STEENERSON. Those lands in the four townships, after the timber was cut off, were disposed of under the homestead law, were they not?

Mr. HOWARD. I think so.

Mr. STEENERSON. You have been in there, haven't you?

Mr. HOWARD. No; I have not been in there very much.

Mr. STEENERSON. You have seen settlements in there?

Mr. HOWARD. Yes; I have been in some of it and saw some settlers.

Mr. STEENERSON. Those settlers had to take the cut-over land, with the stumps on, as homestead, and pay $1.25. That is a fact, isn't it?

Mr. HOWARD. I don't know.

Mr. STEENERSON. You know that is the rule where the timber is cut off, under the Nelson Act?

Mr. HOWARD. I haven't had occasion——

Mr. STEENERSON (interposing). That is a matter of general knowledge, isn't it?

Mr. HOWARD. It happened before my time; years ago.

Mr. STEENERSON. No; within two weeks. You know that they are paying the Indians up there, after the timber is cut off, $1.25 an acre, or don't you know about that?

Mr. HOWARD. Yes; I have heard about it.

Mr. STEENERSON. Well, you have never had any occasion to look into the records of your office to see how much was realized for the agricultural land, or for the pine, in those four townships, where the Government did the selling?

Mr. HOWARD. I don't think I ever did look it up.

Mr. STEENERSON. You said in your examination, speaking about this sale price, that sometimes the full-bloods and the mixed-bloods were voters. Do you mean to say that the full-bloods are not voters?

Mr. HOWARD. Oh, they all vote if they want to, but the full-bloods pay very little attention to it.

Mr. STEENERSON. You know that under the so-called Dawes Act—the allotment act of 1887—every Indian allotted land in severalty becomes a citizen of the United States and is entitled to vote.

Mr. HOWARD. I do not think many of the full-bloods ever vote.

Mr. STEENERSON. You know that they are entitled to vote?

Mr. HOWARD. I think so; yes.

Mr. STEENERSON. If they have been allotted land in severalty they become citizens of the United States, and if they want to vote they are entitled to vote.

Mr. HOWARD. I understand it that way.

Mr. STEENERSON. What you mean to say is that the full-bloods do not avail themselves of the privilege as much as the mixed-bloods?

Mr. HOWARD. The full-blood very seldom pays any attention to it.

The CHAIRMAN. Are you sure you are quite right as to your statements? They are going into the record almost as testimony, and are you sure you are right?

Mr. STEENERSON. I don't think there is any question about that.

Now, in speaking of the value of the land, you said that $25 per acre for the agricultural land——

Mr. HOWARD (interposing). The poorer land.

Mr. STEENERSON. The poorer land—well, is that about what the poorer land in Baker County and in that vicinity or neighborhood is worth?

Mr. HOWARD. I think I referred to Mahnomen County up there.

Mr. STEENERSON. But, say, for the reservation up north and in that vicinity—you can buy farms up there for $25 an acre, can't you?

Mr. HOWARD. Improved farms?

Mr. STEENERSON. Yes.

Mr. GEORGE. Mr. Chairman, I suggest that it is 5 o'clock.

Mr. BURKE. Let us get through, Mr. Chairman, if we can, so as to give Mr. Steenerson an early start in the morning.

Mr. STEENERSON. Well, I don't want to delay the hearing.

The CHAIRMAN. I think we had better allow Mr. Steenerson to finish to-night, if he can.

Mr. STEENERSON. I am perfectly willing to continue.

The CHAIRMAN. Very well, Mr. Steenerson, go on, but be as brief as you can.

Mr. STEENERSON. I am perfectly willing to adjourn now and take it up to-morrow, because I expect information by mail that I might want to ask him about. I got a telegram here from up there, stating that they had sent certain documents, and the man would be here in the morning.

The CHAIRMAN. The situation develops a condition which the committee will have to take into consideration later. You can readily see, Mr. Steenerson, that we don't want to develop into an inquiry at this particular stage, and it will waste a good deal of time to go over matter that has already been gone over. It is a question which will have to be determined by the committee, as to what extent this thing should be permitted or authorized by it.

Mr. STEENERSON. Do you claim to be familiar with the value of land up there?

Mr. HOWARD. To some extent, from the sales that I have heard of.

Mr. STEENERSON. I will ask you if it isn't a fact that $25 an acre is a good fair average price for the improved farms in the country surrounding the White Earth Reservation—off the reservation?

Mr. HOWARD. It depends on the location. The sale of this land that I have put at $25 an acre is right on the north.

Mr. STEENERSON. In Mahnomen County?

Mr. HOWARD. Yes; in Mahnomen County.

Mr. STEENERSON. Do you know whether Mahnomen County land is worth as much as Baker County, considering the approximate nearness to the railroad?

Mr. HOWARD. Some of it.

Mr. STEENERSON. Would you consider then that the fact that Mahnomen County is a very small county and but very little land is taxable, or likely to be taxable for many years, has any effect?

Mr. HOWARD. I don't know.

Mr. STEENERSON. I recall your being asked by Mr. George about $17 taxes on 88 acres; your only interest in Mahnomen County is in the amount of the taxes?

Mr. HOWARD. I am not concerned with that.

Mr. STEENERSON. Isn't it a fact that according to the records of the treasurer's office the taxes on 80 acres of land run all the way from $16 to $54?

Mr. HOWARD. I can't say; I never examined the record.

Mr. STEENERSON. You don't mean to be understood as saying, in answer to the question of Mr. George, that $17 is an extremely high amount for taxes on 80 acres?

Mr. HOWARD. Not if the taxes are on the land that has improvements.

Mr. STEENERSON. Do you know approximately what the taxes were on small tracts of land in that county?

Mr. HOWARD. No; I have no knowledge.

Mr. STEENERSON. Would you be surprised to find that one of the lowest taxed divisions in that country?

Mr. HOWARD. No; the taxes are high over there.

Mr. STEENERSON. And a reasonable average is that more than half the land is not taxable, and they are building a schoolhouse and drainage ditches and county buildings?

Mr. HOWARD. Yes.

Mr. STEENERSON. And the tax rate being very high would affect the value of the land?

Mr. HOWARD. Well, it might. It would if a party was going to buy.

Mr. STEENERSON. Well, if a man had to pay $108, for instance, on a quarter section for his year's taxes in Mahnomen County, whereas if on a similarly situated piece of land over in Baker he would only pay $24, the Baker County land would be worth more, wouldn't it?

Mr. HOWARD. If he could sell it.

Mr. STEENERSON. Yes; supposing them to be of identically equal value, as productive farms.

Mr. HOWARD. And as well located.

Mr. STEENERSON. The one being taxed $24 and the other $108, the one taxed the highest would have the lowest value.

Mr. HOWARD. Being similarly located.

Mr. STEENERSON. Yes; everything of that kind.

Mr. HOWARD. A farm where you were a mile or two from the station would be worth more than one where you were 10 miles from the station.

Mr. STEENERSON. What I am trying to find out is whether you took into consideration, in valuing this land, the fact that in this small county less than half the land is taxed, and therefore the tax is twice as high?

Mr. HOWARD. I stated that the taxes are new there.

Mr. STEENERSON. Did you make that allowance in estimating the value of the land in that county?

Mr. HOWARD. Well, I can't say whether I was asked that or not.

Mr. STEENERSON. Well, you didn't take it into account; did you?

Mr. HOWARD. I know that the woman thought she paid too much, and I agree with her.

Mr. STEENERSON. I don't blame her. You say that there are some organized towns in Mahnomen County. Do you know how many?

Mr. HOWARD. No; I do not.

Mr. STEENERSON. Do you know about what proportion of the White Earth Indians live in Mahnomen County and in the other counties?

Mr. HOWARD. I would have to look at the record.

Mr. STEENERSON. Can't you give a guess?

Mr. HOWARD. No.

Mr. STEENERSON. A part of this White Earth Reservation is in Baker and part in Clearwater?

Mr. HOWARD. There are four townships in Clearwater.

Mr. STEENERSON. And how many in Baker?

Mr. HOWARD. Twelve.

Mr. STEENERSON. That makes 16; so that the other 16 towns are situated in Mahnomen County?

Mr. HOWARD. In Mahnomen County; yes.

Mr. STEENERSON. Well, would it be according to your observation to say that half of the White Earth Indians live in Mahnomen County?

Mr. HOWARD. Yes; I think they do.

Mr. STEENERSON. Do you know the population of Mahnomen County?

Mr. HOWARD. No; I am not positive. I have seen it, but I have forgotten. That is the half there on the reservation, I mean.

Mr. STEENERSON. Do you know the population of the main town of Mahnomen County—the village of Mahnomen?

Mr. HOWARD. I don't recall it.

Mr. STEENERSON. You have been there?

Mr. HOWARD. Oh, yes; quite often.

Mr. STEENERSON. I will offer here the census—as part of the cross-examination—the census returns for 1910 for Mahnomen County, showing that the population is 3,249. It also shows that the county seat has a population of 796, and shows the other villages.

Mr. BURCH. I would like to have you read them all.

Mr. STEENERSON. All right.

Beaulieu Township, 231; Bejou Township, 85; Chief Township, 151; Heier Township, 258; La Garde Township, 162; Lake Grove Township, 169; Mahnomen village, 796; Pembina Township, 301; Popple Grove Township, 159; Rosedale Township, 157; Waubun village, 230; township 145, range 42 (not named), 69; township 146, range 41, 95; White Earth Reservation, (part of), 386.

And then they have the total of the two counties.

Mr. BURCH. I didn't care, Mr. Steenerson, to have any more than the villages.

Mr. STEENERSON. The organized townships have boards of supervisors, the same as other townships in Minnesota, and they can levy taxes?

Mr. HOWARD. The same as other towns.

Mr. STEENERSON. And provide for drainage?

Mr. HOWARD. They have the same power.

Mr. STEENERSON. And build bridges?

Mr. HOWARD. Where they are organized they have the same powers.

Mr. STEENERSON. They have some school districts—you know they have organized school districts there?

Mr. HOWARD. Yes.

Mr. STEENERSON. And that they have built schoolhouses within the last few years?

Mr. HOWARD. They built some this last year, I think.

Mr. STEENERSON. Are you familiar with the schools at Beaulieu—do you know the schoolhouse there?

Mr. HOWARD. I know there are two.

Mr. STEENERSON. And do you know of a complaint on behalf of Indian children that you were going to close the day school?

Mr. HOWARD. The day school?

Mr. STEENERSON. The day school, and that the new schoolhouse being built would be so far away from Beaulieu?

Mr. HOWARD. Yes.

Mr. STEENERSON. And these children couldn't attend?

Mr. HOWARD. That has been fixed. The department school will be reopened there.

Mr. STEENERSON. Yes. But if it is not convenient, the Indian child of mixed blood can attend the public school, but they don't have to.

Mr. HOWARD. They always go to a day school because they get a warm dinner there.

Mr. STEENERSON. They have that privilege?

Mr. HOWARD. They have the privilege of going there?

Mr. STEENERSON. And some of the full-bloods?

Mr. HOWARD. Yes.

Mr. STEENERSON. Who was that?

Mr. HOWARD. ——— ———.

Mr. STEENERSON. He lives about 3 miles from Waubun, doesn't he?

Mr. HOWARD. I think he lives right in sight of the town.

Mr. STEENERSON. Do you know whether he takes his children to the district school or the Government school?

Mr. HOWARD. Well, I am under the impression that he has his children in both the White Earth schools and the Government schools.

Mr. STEENERSON. Don't you know as a fact that he hauled his children to the district school last winter—back and forth all winter?

Mr. HOWARD. I do not.

The CHAIRMAN. Is there any purpose, Mr. Steenerson, for this, that you have in mind? Have you any purpose to serve by this particular line of questioning?

Mr. STEENERSON. I was carrying out some ideas that I have in regard to the situation there. As I understand it, the committee is not particularly investigating Mr. Burch, but I thought they were going to devise some way to relieve the situation. The taxes are getting so heavy up there that they are practically confiscatory, and we want to show that condition.

That is the purpose of it, and I think it has been brought out by Mr. George, Mr. Burke, and the others.

The CHAIRMAN. I think it is scarcely worth following any further.

Mr. STEENERSON. Unless this committee has jurisdiction to bring in remedial legislation. I understand it is simply investigating the amount of expenditures in the Interior Department, and I supposed that this matter was relevant.

The CHAIRMAN. The line of examination did not appear to bear in any way upon those things, however, Mr. Steenerson; that was the reason why I interrupted you. If you have a clear idea in your mind, why, you may follow it.

Mr. STEENERSON. I might say, Mr. Chairman, that the purpose is to indicate the conditions there as to the taxes and as to what the difficulties are under which they labor there.

The CHAIRMAN. Speaking generally, in a small county, a new country, with a large part of the land untaxable, it ought to be clear that the taxes would be high there.

Mr. STEENERSON. I would state, Mr. Chairman, that the county commissioner made an estimate that with the 1,100 suits that have been mentioned here, what the cost will be to the Government, and consequently, in taxes to sustain them—I think the revenue is about $9,000 a year that they have been getting.

Mr. HOWARD. You mean in Mahnomen County?

Mr. STEENERSON. In Mahnomen County; yes.

The CHAIRMAN. If you have anything on that line that you want to get into the record, I suggest that it would be much more briefly and much more effectually shown by calling a witness who knew. Apparently this witness does not know it.

Mr. STEENERSON. Of course, Mr. Chairman, you understand that this matter was originally started by Gus Beaulieu, or Mr. Burch, and the effort I made to get the committee to go up there. I requested the chairman of the Committee on Indian Affairs to take action, and you can easily see that we can't produce witnesses here, and unless the witnesses are sent for we won't be able to get them here; and unless the committee will go up there, we will simply have to depend on what witnesses the Interior Department and the Department of Justice produce here.

The CHAIRMAN. On any material point in the matter the committee would send for witnesses, but it would have to appear that it was something material. It would not like to bring all your constituents here on a junket to Washington.

Mr. STEENERSON. I will say, Mr. Chairman, that I have read the three numbers of the hearings that have been printed, and I am not yet clear as to the purpose of the committee—as to what the purpose and object is—and therefore it is pretty hard to direct the evidence to the issue. If the chairman will indicate to me what the issue is, I will certainly direct my questions so as to meet that issue.

What are we here for?

The CHAIRMAN. Well, I don't know just what you are here for, Mr. Steenerson. We are here investigating a condition at White Earth.

Mr. STEENERSON. With reference to what? I would like to have that explained.

The CHAIRMAN. You will have to explain why you are here, yourself.

Mr. STEENERSON. I am here because I was requested by telegram to attend a hearing for my constituents; that is the only reason.

The CHAIRMAN. I want to expedite matters now, and not to explain them.

Mr. STEENERSON. You could certainly expedite them, Mr. Chairman, if you will tell me what you want to investigate.

The CHAIRMAN. The committee is not investigating anything. It is going along to see what there is at White Earth, and the committee will have to wait and find out as it goes along.

Mr. STEENERSON. What was the basis of this investigation?

The CHAIRMAN. If you have read the numbers as you state, you doubtless read Judge Burch's statement in the beginning of it. It is a matter that we have to get as we go along, and the chair can't inform you.

Mr. STEENERSON. I think the main proposition, Mr. Chairman, from your statement, was to indicate what legislation was desirable. If that is so, we would like to show the conditions.

The CHAIRMAN. I think his statement did point in that direction, but the chair thought it also pointed in other directions.

Mr. STEENERSON. Well, I will say, Mr. Chairman, that I received a telegram that a gentleman is on the way——

The CHAIRMAN. Mr. Townsend?

Mr. STEENERSON. Mr. Townsend. That he was on the way, and would be here to-morrow morning. He is familiar with many of these things, and I do not think that the committee ought to dismiss or send these witnesses home until he has had an opportunity to examine them, because I was absent at the first day's hearing, and I have only read the evidence last night. I would, therefore, request that the matter of the further examination of Mr. Howard be resumed to-morrow.

The CHAIRMAN. Mr. Howard will remain over. The thing that I want to emphasize particularly, Mr. Steenerson, is that we would like to be as brief as we can in the matter, and it really occurred to the Chair that these questions and ehe amount of taxes paid in that county by Smith or Jones or Brown were hardly important enough to go over each item.

Mr. STEENERSON. Of course, you realize that it was not brought out by me directly, but that it was brought out by the committee.

The CHAIRMAN. The chair may be wrong, but the chair did not think it worth the time it was getting.

Mr. STEENERSON. The Chair does not see the bearing of it, perhaps.

The CHAIRMAN. That may be.

Mr. STEENERSON. But it has a very important bearing.

The CHAIRMAN. That is why I asked you if you had any particular purpose in view.

Mr. STEENERSON. Well, I would like to have all the witnesses that have been examined retained here until this gentleman can come here.

Mr. BURCH. No witnesses will be allowed to go, Mr. Chairman, that we have produced.

The CHAIRMAN. The committee decided at the outset that any witnesses who testified would be brought back later on the request of any one who was interested, and we thought that would conserve everybody's rights. It may be, Mr. Steenerson, that we have kept them here quite a while now for your accommodation, and some of them may want to get back, and we do not want to detain them any longer than necessary. Were we to have a minute examination of all of them at this time we would have them here indefinitely.

Mr. STEENERSON. I would like to ask a few questions more, if I may.

The CHAIRMAN. How much longer do you think it will take with this witness, Mr. Steenerson?

Mr. STEENERSON. Well, I will try and be brief. I will try and cut out all I can.

You were questioned in your testimony about the Tomahawk, a newspaper called the Tomahawk, and you have mentioned that as being a hostile newspaper to you—that they had attacked you, have you not?

Mr. HOWARD. How is that?

Mr. STEENERSON. You have mentioned the Tomahawk as a newspaper published on the reservation.

Mr. HOWARD. I think it is called a newspaper by some of them there.

Mr. STEENERSON. It is a newspaper, isn't it?

Mr. HOWARD. It is not much of a newspaper; it is gotten up right there.

Mr. STEENERSON. The newspaper called the Tomahawk is published by Gus Beaulieu?

Mr. HOWARD. By Gus Beaulieu; yes.

Mr. STEENERSON. And it is hostile to the administration of the reservation?

Mr. HOWARD. And to everybody else—you, even.

Mr. STEENERSON. Yes; I think you handed me an extract to-day. You have observed that hostility toward you for some time.

Mr. HOWARD. About two years.

Mr. STEENERSON. Now, do you know Theodore H. Beaulieu?

Mr. HOWARD. Yes.

Mr. STEENERSON. Who is he? Is he any relation to Gus H. Beaulieu?

Mr. HOWARD. I think he is a brother-in-law by marriage.

Mr. STEENERSON. But he is not otherwise related to him?

Mr. HOWARD. Yes; I think they are cousins. I think he married Gus's sister.

Mr. STEENERSON. Is he a mixed-blood or a full-blood?

Mr. HOWARD. A mixed-blood.

Mr. STEENERSON. Is he a man of education?

Mr. HOWARD. He is.

Mr. STEENERSON. State whether or not he was formerly in the employ of the Government there.

Mr. HOWARD. He was.

Mr. STEENERSON. Up to what time?

Mr. HOWARD. Some time in 1908. The position was abolished.

Mr. STEENERSON. What position did he have?

Mr. HOWARD. Well, he had charge of the removal of the Mille Lacs. That was one of his duties.

Mr. STEENERSON. Do you know his signature?

Mr. HOWARD. I am not familiar with it; no. He is a very good penman.

Mr. STEENERSON. I would say, Mr. Chairman, that this may be a little out of order, but the newspapers in the Northwest—the Minneapolis papers, the St. Paul papers, the Chicago papers, and all others that could—printed under sensational headlines the statement of Mr. Burch in regard to the alleged allotment or selection of allotments where he referred to office entries in books.

Being of a rather sensational character and being made on hearsay, it of course was printed by all the papers of the northwest, and it was given in forensic language. Now, here is a letter from Theodore H. Beaulieu, who was a Government employee at that time and who had charge of that part of the work, as he states here, and I would like to read it into the record so that the reporters can get it to counteract the sensational character of this other statement.

The CHAIRMAN. I object to reading it into the record. I don't know of any reason why a letter of some person, not an official, should go into the record.

Mr. STEENERSON. This man had charge of the making of allotments.

The CHAIRMAN. What I mean, it is not a part of the official correspondence, and the Chair does not see why a personal letter should go into the record.

Mr. STEENERSON. Then, do I understand the chairman's idea is that after Judge Burch has stated, from hearsay, things that reflected upon this matter, that we can not refute that?

The CHAIRMAN. Judge Burch made a statement which was really a statement of an attorney—a sort of an opening statement of his case. That does not justify a reply by every man whom he mentioned in that statement.

Mr. STEENERSON. He did not mention him.

The CHAIRMAN. I do not recall whether he did or not: but even if he did, it would not justify a reply as part of our record.

Mr. STEENERSON. I appeal to the committee to consider that matter. It is a pretty grievous thing for a man to be mentioned in a communication—although this man's name was not mentioned, he was the man who actually had charge, according to his own statement, of that work—and not to be allowed to show that the books were not fraudulently altered.

The CHAIRMAN. It was his preliminary statement of what he would prove later on, as I understand it. If this gentleman wants to send an attorney here, I take it——

Mr. STEENERSON. Well, he has not sent any attorney. He simply writes a letter to me to place on the record.

The CHAIRMAN. I can not see, Mr. Steenerson, how we can admit the letter of every man who feels injured into our record unsworn. It is merely a self-serving letter.

Mr. STEENERSON. Certainly the statement against him was not sworn to.

The CHAIRMAN. It was a professional statement. You are a lawyer, are you not?

Mr. STEENERSON. I am supposed to be; I have practiced for 20 years.

The CHAIRMAN. Then you realize the difference between the professional statement of a lawyer and a letter written by somebody in his own behalf.

Mr. STEENERSON. Well, it is a professional statement only when it is within the issue; but when it goes outside the issue, and attacks a man's character, then it becomes a matter that is quite serious.

The CHAIRMAN. Well, if there were any statements of that kind made they can be all disproven.

Mr. STEENERSON. Yes; but the damage would already be done.

The CHAIRMAN. Of course, we are not accountable for that. Judge Burch is a man of honor, and he told us what he expected to do, and we listened to him.

Mr. STEENERSON. I do not think I care to examine any further at this time, with the understanding that the witness will be here to-morrow.

The CHAIRMAN. Maj. Howard, you and your ward will be here at 2 o'clock to-morrow. There is a meeting in the Public Lands Committee which nearly every member of this committee has to attend in the morning, so that 2 o'clock is a satisfactory hour, is it not? As it appears to be satisfactory, we will adjourn until 2 o'clock to-morrow.

(Thereupon, at 5.30 o'clock p. m., the committee adjourned until 2 o'clock p. m., August 2, 1911.)

HITE EARTH RESERVATION

No. 6

HEARINGS

BEFORE THE

MMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

IOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

AUGUST 2, 1911

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman*.

SCOTT FERRIS, Oklahoma.
HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARRON, *Clerk*.

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Wednesday, August 2, 1911.

The committee met at 2 o'clock p. m., Hon. James M. Graham (chairman) presiding.

The following members of the committee were present: Messrs. Ferris, George, Hensley, Mondell, Hanna, and Burke.

There were also present: Hon. Halvor Steenerson, Member of Congress from Minnesota; Hon. C. B. Miller, Member of Congress from Minnesota; Hon. W. S. Hammond, Member of Congress from Minnesota; Mr. M. C. Burch, of the Department of Justice; Mr. Thomas Sloan, attorney at law; and Mrs. Helen P. Gray.

The CHAIRMAN. The record of last Monday's hearing fails to indicate the presence of Messrs. Ferris and George. Both Messrs. Ferris and George were present at that hearing, and the reporter will so note.

Mr. BURCH. Mr. Chairman, I desire at this time to break into the examination of Maj. Howard for the purpose of saying that I find it necessary for me to retire, at least by evening, from further personal attendance upon the committee. I received just an hour or two ago news of the death of my brother-in-law in Detroit, Mich. His funeral is to occur on Friday, at 2 o'clock, and while I can stay during the afternoon session, it is necessary for me then to withdraw.

For that reason I will not ask to have Mr. Hinton go upon the stand, because if the hearings of this committee are to be continued at a later period he will be obliged to be here with others almost constantly during the work of the committee. I will leave with some one else the examination of Miss Isabelle Warren, if the committee sees fit to proceed, or I will bring her back at some other time, or she can testify now if that is the pleasure of the committee. If any person should desire to testify after this date, I will endeavor to make arrangements so as not to put them to any trouble because of my absence. I will endeavor to have some one appear and act for me in any examination that may be necessary upon our part. I may desire to propound two or three propositions to the committee before I retire. I thought I would make this statement now, so that in the event it should make any difference in the wishes of the com-

mittee or in the operations or movements of the committee they might have it now.

The CHAIRMAN. When do you expect to return?

Mr. BURCH. I did not desire to return unless it was necessary. If necessary, however, I could return as early as Monday morning.

Mr. BURKE. I presume Miss Warren can testify this afternoon, can she not?

Mr. BURCH. She can, so far as I am concerned.

The CHAIRMAN. We hope to reach her this afternoon. Mr. Steenerson, has Mr. Thompson arrived in the city?

Mr. STEENERSON. No, sir; I have not seen him. I have a couple of questions to ask Mr. Howard that I did not think of yesterday. May I do that now?

The CHAIRMAN. In a moment, Mr. Steenerson. In reply to the statement just made, I have no knowledge of anyone, except those whom you had in mind, who desires to be heard at this time. I do not know what Mr. Thompson's desire would be if he were present.

Mr. STEENERSON. He should have been here this morning.

The CHAIRMAN. Was it your understanding that if he came now he would want to testify at this time?

Mr. STEENERSON. I can not say as to that; the telegram simply stated that he was coming, and he wanted me to attend the hearing.

Mr. FERRIS. Whom does he represent, the land buyers?

Mr. STEENERSON. I guess he is one of the land buyers himself.

Mr. FERRIS. And he comes here to represent his own interests?

Mr. STEENERSON. Probably.

Mr. FERRIS. Is he commissioned to represent others besides himself?

Mr. STEENERSON. I am not able to say; I simply have his telegram.

Mr. BURCH. Does the telegram state? It is signed by a large number of persons, I understand.

Mr. STEENERSON. Yes, sir. Twenty-four individuals and four commercial clubs—the Commercial Club of Detroit, the Commercial Club of Waubun, the Commercial Club of Mahnomen, and the Commercial Club of Ogema.

The CHAIRMAN. The thought in my mind was that if he came here expecting to be heard, we ought to try to hear him, but I am inclined to think that is not his purpose in coming now.

Mr. STEENERSON. I have not the telegram here, but it expressed a desire for a congressional committee to go up there; and whatever committee wants to go into the subject of legislation I think ought to go up there.

Mr. FERRIS. What particular feature of the investigation are they protesting against? Does the telegram indicate?

Mr. STEENERSON. Yes, sir; the telegram simply requests me to appear and examine or cross-examine the witnesses, and to wait until Mr. Thompson comes with information to enable me to ask the witnesses questions. That is the substance of the telegram; and they also state that a committee ought to go out there where the reservation is, and they suggest that, perhaps, as this committee would not come, the Committee on Indian Affairs would come, or some committee that has jurisdiction over these Indian matters.

The CHAIRMAN. If there is no other business to transact now, we can proceed with the witness.

TESTIMONY OF MR. JOHN R. HOWARD—Continued.

Mr. STEENERSON. I desire to ask Mr. Howard some questions.
Mr. Howard, when are the payments to the White Earth Indians ıde, and how much are they?
Mr. HOWARD. Do you mean the annuity payments?
Mr. STEENERSON. Yes, sir; the annual payments.
Mr. HOWARD. We commenced last year on the 12th of October, I remember correctly. They are made in October and November, ually.
Mr. STEENERSON. There is only one payment made a year?
Mr. HOWARD. Only one payment so far—that is, only one annual yment.
Mr. STEENERSON. Are these payments made to each Indian?
Mr. HOWARD. No, sir; and yes, sir. I will explain: While each dian is carried separately on the rolls, the checks are given to his ther or mother, with whom he is living, if a minor. If an adult dian, he draws his own.
Mr. STEENERSON. What is the amount usually per capita?
Mr. HOWARD. The first payment that I made was a few cents ore than the last one. The last one was $6.32, I think, per capita.
Mr. STEENERSON. And that is about what the others were?
Mr. HOWARD. They were a few cents more.
Mr. STEENERSON. Only one payment per year is made?
Mr. HOWARD. Yes, sir.
Mr. STEENERSON. So you have made three of these payments?
Mr. HOWARD. Yes, sir; I have made three.
Mr. STEENERSON. Are there any other payments made except the ınual payments?
Mr. HOWARD. Not that I have the handling of up there.
Mr. STEENERSON. Now, you spoke about these councils that sent ılegations down here. There were two of them, were there not?
Mr. HOWARD. Yes, sir.
Mr. STEENERSON. The two that had been paid for—the expenses of ıe was paid by the department and the other by an act of Congress?
Mr. HOWARD. Yes, sir; there was a council held at Pine Point—ıat is the one I know about. I understand that a council met in erry's blacksmith shop; but I had no official information of that.
Mr. STEENERSON. The delegation that was paid for by that act of ongress—that is, the appropriation act—that delegation was the ıe elected at the blacksmith shop?
Mr. HOWARD. Yes, sir; so I am informed.
Mr. STEENERSON. That delegation went down first?
Mr. HOWARD. Yes, sir; that left ahead of the other.
Mr. STEENERSON. How long after that was the Pine Point meeting?
Mr. HOWARD. That started the agitation, and they called a council Pine Point.
Mr. STEENERSON. Was that called without your authority?
Mr. HOWARD. I did not call any of them; they called it themselves, ıd sent runners over the reservation.
Mr. STEENERSON. Do you know the purpose of the first delegation at came to Washington, or what particular measure they had in ew?
Mr. HOWARD. Only by hearsay.

Mr. STEENERSON. What did you hear?

Mr. HOWARD. One thing I heard was that they came to support the Steenerson bill that removed all restrictions.

Mr. STEENERSON. Was there any such bill pending at that time?

Mr. HOWARD. It was talked about at the time.

Mr. STEENERSON. Was that the commission bill?

Mr. HOWARD. Another thing was the commission bill—that is, the bill to have a commission appointed. Another thing was that some of the mixed-bloods said they wanted to divide the tribal funds. I do not recall all these things.

Mr. STEENERSON. There were three things in view—the removal of restrictions, the commission to fix the status of the Indians as to whether they were mixed-bloods or full-bloods, and the division of the money or the trust funds among the individuals?

Mr. HOWARD. This was talked about among the mixed-bloods.

Mr. STEENERSON. You spoke about reading the Tomahawk, which is Beaulieu's paper. Do you know whether that paper supported the commission bill?

Mr. HOWARD. I think it advocated all these measures.

Mr. STEENERSON. And you also mentioned that the Tomahawk was lately, at least, hostile to you and criticizing you and myself as well.

Mr. HOWARD. I have heard several times I was criticized.

Mr. STEENERSON. Do you know whether or not the hostility of that paper began since the commission bill, which has been introduced in evidence here, was dropped in the last session of Congress? That is, was not Beaulieu's hostility in his paper to me on account of the commission bill not passing at the last session?

Mr. HOWARD. Well, I can not be positive about that. I seldom read his paper, but I have noticed some criticism about you in the paper.

Mr. STEENERSON. You did not notice whether or not it was on account of the failure of that bill to pass?

Mr. HOWARD. I think it was the failure to pass the Steenerson bill, if I recall now, that caused them to censure you.

Mr. STEENERSON. The Steenerson bill was the same bill as introduced by Senator Clapp. You are familiar with the fact that Beaulieu and his delegation brought that bill down here and requested its introduction, and supported it in the paper?

Mr. HOWARD. I heard that he supported it.

Mr. STEENERSON. And when it failed to pass, he became hostile to me?

Mr. HOWARD. I think that was about the time that I noticed his hostility to you.

Mr. STEENERSON. You never heard of that bill pending in the Sixty-second Congress, did you?

Mr. HOWARD. It is understood that there is such a bill somewhere; I have so understood or have heard it.

Mr. STEENERSON. I understood so from Judge Burch, but I have been unable to find any evidence to show that any such bill has been introduced in this Congress. Do you know of any such bill?

Mr. HOWARD. I have no knowledge of it.

Mr. STEENERSON. And no such bill has been introduced in this Congress that you know of?

Mr. HOWARD. Not to my knowledge. I have no knowledge of it except hearsay there on the reservation. I heard the Indians talking about it.

Mr. STEENERSON. And do you know that this delegation selected at Pine Point was opposed to these measures advocated by Beaulieu?

Mr. HOWARD. They were bitterly opposed to them.

Mr. STEENERSON. And that was their mission here?

Mr. HOWARD. Yes, sir.

Mr. STEENERSON. And they appeared before the House committee in opposition to these Beaulieu measures?

Mr. HOWARD. I can not say; that is what they came for.

Mr. STEENERSON. And the fact is that the commission bill failed after their appearance. That is, it did not pass. You know that, do you not?

Mr. HOWARD. Yes, sir; I think I was informed of that.

Mr. STEENERSON. Do you know of any bill being introduced in the Sixty-first Congress to distribute the funds—that is, the trust funds—among the mixed-bloods?

Mr. HOWARD. I have heard that such a bill was to be introduced by you.

Mr. STEENERSON. But have you heard that it had been introduced?

Mr. HOWARD. No, sir.

Mr. STEENERSON. Have you heard that the mixed-bloods demanded it?

Mr. HOWARD. Some of them.

Mr. STEENERSON. But you do not know of any such bill being introduced yet?

Mr. HOWARD. No, sir.

Mr. STEENERSON. And the further removal of restrictions, you say, was another measure which was the moving cause of this delegation being sent down here?

Mr. HOWARD. At the time; yes, sir.

Mr. STEENERSON. Do you know of any such bill having been introduced in the Sixty-first Congress?

Mr. HOWARD. Only by hearsay. I was not here.

Mr. STEENERSON. As a matter of fact, don't you know there was no such bill?

Mr. HOWARD. No, sir; I know nothing about it.

Mr. STEENERSON. Did you hear that there was a bill introduced to remove restrictions?

Mr. HOWARD. Yes, sir; I heard it talked among the Indians.

Mr. STEENERSON. Among the mixed-bloods as well as the full-bloods?

Mr. HOWARD. Yes, sir.

Mr. STEENERSON. And that was a matter of discussion up there, that there was a bill pending in the Sixty-first Congress to remove all restrictions from the alienation of lands up there?

Mr. HOWARD. To legalize all land transfers.

Mr. STEENERSON. To legalize the transfers already made?

Mr. HOWARD. Yes, sir; that was the bill I heard the most about.

Mr. STEENERSON. That was what the opposition up there related to?

Mr. HOWARD. Yes, sir.

Mr. STEENERSON. They were opposing the legalizing of transfers that had been made, and they were afraid that such a bill would be passed?

Mr. HOWARD. They were afraid they would lose their lands if that bill passed.

Mr. STEENERSON. Well, they were opposed to such a bill—that is, a bill legalizing transfers already made?

Mr. HOWARD. Yes, sir; the Indians were.

Mr. STEENERSON. By Indians do you mean mixed-bloods or full-bloods?

Mr. HOWARD. All of the full-bloods and some of the mixed-bloods opposed it.

Mr. STEENERSON. And the theory was, I think, that they had sold their lands, and they expected to get them back, because they had been defrauded out of them?

Mr. HOWARD. Some of them might have expected that.

Mr. STEENERSON. From the discussion and talk there among the Indians that you heard, do you not think that was the theory?

Mr. HOWARD. Yes, sir.

Mr. STEENERSON. And that was usual among the Indians——

Mr. HOWARD (interposing). Yes, sir.

Mr. STEENERSON. And they advocated it, and among them Gus Beaulieu—that is, that the transfers already made when attacked should be legalized?

Mr. HOWARD. He favored that.

The CHAIRMAN. About how much more time do you think you will need, Mr. Steenerson? I was just going to ask if the gentleman who has just come in was Mr. Thompson?

Mr. STEENERSON. Yes, sir. I do not think it will take very much time. I think I am ready to conclude now.

The CHAIRMAN. I think the committee is ready, if you are.

Mr. BURKE. I infer from Mr. Steenerson's examination that he is trying to show that the Indians were given to understand that things were likely to happen up there when there was no foundation for it, and I was a little interested in his examination. My recollection is that this commission or delegation that came down here—that is, the one that had its expenses paid from the Indian Office—came here after the matter had been disposed of. The bill had been withdrawn, and they certainly did not appear before the committee of the House nor ask for an opportunity to do so. If they did anything here, I do not know what it was; and I rather got the impression that Mr. Steenerson was endeavoring to develop the fact that there were certain representations being made there among the Indians that certain things were transpiring here, or were likely to transpire, which were without foundation.

The CHAIRMAN. Do you mean that Mrs. Grundy was busy up there, and he is trying to trace the rumor to some particular person? Referring to the statement made by you, Mr. Burke, is it your understanding that the Indian Bureau delegation had knowledge that the matter which they intended to come to look after had been disposed of before they started?

Mr. BURCH. Well, it was well known here that it had been dropped, and the matter had ceased to be discussed. When it came to my notice that a delegation was coming here, I expressed some won-

der at their coming, and I learned afterwards that they had come, but they did not appear before the Indian Committee of the House, or ask for any hearings. I was simply going to ask Maj. Howard whether the Indians who came here on that delegation had knowledge of this action here; that is, the dropping of this matter, before they started?

Mr. STEENERSON. I would like to ask Mr. Burke to state whether or not this commission bill that was introduced in evidence and printed in this record is the one he referred to as being dropped?

Mr. BURKE. My understanding is that this bill is the one the gentleman from Minnesota, Mr. Steenerson, had introduced.

Mr. STEENERSON. And some one put it on an appropriation bill as a rider. That was by Senator Clapp.

Mr. BURKE. It was offered as an amendment in the Senate, and the House conferees refused to entertain it. I know that Mr. Steenerson came to me, as the chairman of the Committee on Indian Affairs, and stated that they desired to drop the matter, and it was withdrawn.

Mr. BURCH. I understand the fact to be that this delegation of full-bloods came here particularly to see the executive branches of the Government, and while here incidentally called upon a committee for the purpose of appearing before them. The matters they had before the executive branches related to their treatment by certain parties upon the reservation and the continual harassing of them in their tribal relations there. I understand that they did not come here intending to oppose any legislation which was on, except to appear before any committee, if desired to do so. I am so informed by Mr. Hinton, who accompanied them. I understand further that their expenses were not paid from the Chippewa Indian funds, but from the regular funds in the United States Treasury for the Indians.

Mr. BURKE. Maj. Howard, you remember the coming of this second delegation that you spoke of—that is, the full-bloods?

Mr. HOWARD. I do.

Mr. BURKE. They were selected, I believe you stated, at a council that was held at Pine Point?

Mr. HOWARD. Yes, sir.

Mr. BURKE. When was that council held?

Mr. HOWARD. I can not give the date.

Mr. BURKE. Did they discuss with you the matter of coming down here?

Mr. HOWARD. Some of them did.

Mr. BURKE. What did you understand they were coming for? Who suggested that they come, if you know?

Mr. HOWARD. I do not know who suggested it. One of the things that they talked with me about was this school matter at Pine Point.

Mr. BURKE. Did you ask for authority from the Indian Office to bring this delegation?

Mr. HOWARD. No, sir.

Mr. BURKE. Is it not customary for the Indian Office to give its consent to certain delegations coming here?

Mr. HOWARD. I think that after they held that council at Pine Point and selected their delegates a number of them then went down to Detroit to see Mr. Hinton about getting their expenses paid,

but I do not recollect that any authority was requested through my office.

Mr. BURKE. But, ordinarily, that is the procedure, is it not?

Mr. HOWARD. Where they are elected by general council.

Mr. BURKE. If a delegation of Indians desire to visit Washington for any purpose, they make their request through the superintendent, who takes it up with the Commissioner of Indian Affairs; is not that the procedure?

Mr. HOWARD. Yes, sir; if it is understood that they are to be the representatives of a general council.

Mr. BURKE. But whatever was done in this instance was done by Mr. Hinton?

Mr. HOWARD. Yes, sir.

Mr. BURKE. And you do not know anything about it?

Mr. HOWARD. No, sir.

Mr. BURKE. You went there three years ago in May?

Mr. HOWARD. Yes, sir.

Mr. BURKE. Do you know of some factional troubles at this time that existed there then?

Mr. HOWARD. Yes, sir.

Mr. BURKE. What was the cause of the factional troubles then?

Mr. HOWARD. Well, I do not know how far back it dated, but one of the causes was the claim by the full-bloods that they had been overreached in the land allotments. Some of them were very bitter about it. They claimed that they had failed to get their share of the pine lands when they were allotted.

Mr. BURKE. Was the friction confined to full-bloods on the one side and mixed-bloods on the other side?

Mr. HOWARD. No, sir; some of the mixed-bloods shared with the full-bloods in their complaints?

Mr. BURKE. Is that true now?

Mr. HOWARD. They work with them now, some of these mixed-bloods.

Mr. BURKE. Are there two factions or more than two factions?

Mr. HOWARD. It is principally, you might say, two factions.

Mr. BURKE. And how are they designated? One is the Beaulieu faction?

Mr. HOWARD. Yes, sir; one is headed by Gus Beaulieu and the other is of the full-bloods.

Mr. BURKE. And who heads that faction?

Mr. HOWARD. Well, the leading men, perhaps, among them. There is no special leader, I would say.

Mr. BURKE. There are some full-bloods in the Beaulieu faction?

Mr. HOWARD. There were two that came down here last winter, as I remember.

Mr. BURKE. Are there others that belong to the Beaulieu faction?

Mr. HOWARD. Very few, if any.

Mr. BURKE. You made a statement about calling a council and stated that your understanding was that the council was always called by the agent?

Mr. HOWARD. Yes, sir; a general council.

Mr. BURKE. What is your knowledge on that subject that you based that statement upon? You have had three years' experience in the Indian Service now, and please state why you make that statement.

Mr. HOWARD. Well, I was informed when I went there that that had been the custom before my time.

Mr. BURKE. You were informed that that had been the practice?

Mr. HOWARD. Yes, sir.

Mr. BURKE. For how long?

Mr. HOWARD. Well, I got the impression that that custom had always existed.

Mr. BURKE. Before they had an agent?

Mr. HOWARD. I do not know about that.

Mr. BURKE. But there was a time when they did not have an agent, and they had tribal councils. Of course they did not depend upon an agent to call these councils, because they did not have one. I would like to ask you if the business committee, if they have one, usually calls the council? They frequently desire to hold a council without applying to the agency, and do not want the agent there at all.

Mr. HOWARD. I had no knowledge of a business committee until they were selected this summer there.

Mr. BURKE. Does that committee have any authority to call a council?

Mr. HOWARD. I do not know whether they would assume to have it or not.

Mr. BURKE. You do not know whether the custom of calling councils at White Earth has been as it is at the other reservations?

Mr. HOWARD. I do not.

Mr. STEENERSON. I would like to ask Mr. Burke about the identification of this bill right in this connection. The one that was in conference—that is, the commission bill that was referred to by Mr. Burch in his opening statement, as you understand it—was introduced in the House by me and in the Senate by Senator Clapp, and was afterwards put on as a rider on an appropriation bill, and while it was pending in conference between the House committee and the Senate committee the request for its withdrawal was made.

Mr. BURKE. I know that Mr. Steenerson advised me that he desired to withdraw it, and I know that Senator Clapp in conference made the statement that it was satisfactory to you, and that he did not desire to press it, and for me to see you, I think.

The CHAIRMAN. What is the number of the bill?

Mr. STEENERSON. It is printed in the first part of this hearing. This is the so-called commission bill that Mr. Burch caused to be printed in the record here. I would like to have it identified. Do you recall whether or not that request to drop that measure was made after there had been a hearing before the Indian Committee by Mr. Beaulieu and others?

Mr. BURKE. My recollection is that it was after, and that Mr. Beaulieu did appear before the committee.

Mr. STEENERSON. Do you recollect whether he appeared after the first hearing?

Mr. BURKE. My impression is that he did appear, and, having dismissed the matter, that we declined to give him any hearing, but I am not clear about that.

Mr. STEENERSON. Did he ask for a further hearing after you had informed him that it was dropped?

Mr. BURKE. I think so.

Mr. MILLER. May I ask Maj. Howard a question?

The CHAIRMAN. Certainly.

Mr. MILLER. How many general councils of the Indians have been held there since you have been the agent?

Mr. HOWARD. I have already testified about that.

Mr. MILLER. How many councils have been held that you did not call?

Mr. HOWARD. I do not know of but one that was largely attended. There have been several meetings that were termed councils that I did not attend.

Mr. MILLER. In point of time, which was held first, the council that sent the so-called Beaulieu delegation to Washington, or the council which sent the other delegation?

Mr. HOWARD. I only know by hearsay of the Beaulieu council, so called. As I testified before, it was held in the blacksmith shop of George Berry, but I can not give the date.

Mr. MILLER. Did you ever see the record of the proceedings of the council that sent this so-called Beaulieu delegation here?

Mr. HOWARD. They never brought it to me.

Mr. MILLER. Do you know whether it was signed by several head chiefs representing the Indians?

Mr. HOWARD. I do not know.

Mr. MILLER. Are you quite positive that it was not held in the regular council hall?

Mr. HOWARD. There is no council hall.

Mr. MILLER. There is a council chamber, is there not?

Mr. HOWARD. That is in the school; the assembly room is at the school, and it is usually regarded as the place for holding public meetings of any size.

Mr. MILLER. Was not this so-called Beaulieu delegation selected at a meeting of Indians held at the council chamber?

Mr. HOWARD. Not at the school hall; I understood that it was held at the blacksmith shop.

Mr. MILLER. If the record of the proceedings of that council states that the meeting was held elsewhere, these proceedings are probably correct, are they not?

Mr. HOWARD. I only know that some of the Indians who were present came to me afterwards and reported that there was a meeting held there, and they gave me a list of the names of the Indians who were present. I have it now. They told me what was done, but I have no official record of the meeting.

Mr. STEENERSON. The bill is printed on page 24 of the present hearings—that is, the so-called commission bill—and I will state that the bill was introduced in the House, but the number is not given here. It was introduced by myself at the request of Beaulieu and his delegation, and it was introduced in the Senate, and was inserted as an amendment to the Indian appropriation bill. It was pending in conference between the committee on the part of the House and the committee on the part of the Senate when I requested Mr. Burke to drop the bill.

The CHAIRMAN. What was the reason for dropping it?

Mr. STEENERSON. Because of the opposition from the Indians. I saw that they were not united, and I saw that there were two factions up there, who were not united as to what they wanted. Besides, the

Indian Bureau had expressed opposition to it, and for that reason I decided that the bill should be dropped.

Mr. BURKE. You also found some opposition in the Indian Committee of the House, I believe.

Mr. STEENERSON. Yes, sir; I found some opposition there, too, and I did not think it of much use to press it.

The CHAIRMAN. Does any other member of the committee wish to ask Mr. Howard any other questions?

Mr. BURCH. Mr. Howard, did you, in your examination, in response to some questions by some parties here, mention somebody by the name of Hartley?

Mr. HOWARD. I did.

Mr. BURCH. In what connection was that?

Mr. HOWARD. My recollection is that they asked me if I knew of anybody from Duluth who bought lands on the reservation, and I said I had heard of Gill Hartley buying land there.

Mr. BURCH. What is his first name?

Mr. HOWARD. My recollection is that it is G. G. Hartley, but they call him Gill.

Mr. BURCH. Do you know him personally?

Mr. HOWARD. Yes, sir.

Mr. BURCH. What is his business?

Mr. HOWARD. He has lots of business.

Mr. BURCH. Has he a newspaper?

Mr. HOWARD. I think he is largely interested in the Duluth Tribune.

Mr. MILLER. May I ask Mr. Howard another question on that point?

The CHAIRMAN. Certainly.

Mr. MILLER. Is it not a fact that Mr. Hartley is the largest farmer in the State of Minnesota; that he has the most expensive farm buildings in the State of Minnesota; that he is extensively engaged in buying and selling lands in that section of Minnesota for the purpose of demonstrating that they are well adapted to agriculture? Is not that his main work?

Mr. HOWARD. I am not positive, but I understand that he was buying considerable quantities of that land.

Mr. MILLER. And demonstrating its agricultural possibilities, and has he not also demonstrated that the very best celery can be profitably produced in that section of the country?

Mr. HOWARD. I know that he has made a specialty of celery.

Mr. MILLER. And do you not know that he has been engaged in the work of demonstrating the agricultural possibilities of the northern and northeastern part of the State of Minnesota? So far as you know, is not that true?

Mr. HOWARD. I know he is engaged in many enterprises; I think mining and other things.

Mr. BURCH. Has he demonstrated anything on the White Earth Reservation along those lines?

Mr. HOWARD. Not to my knowledge; no, sir.

Mr. BURCH. Now, is it perfectly convenient for the committee, since this gentleman is here and while I am here, to hear from him, since Miss Warren can be heard at any time? Of course, I do not know what is the intention of the committee.

The CHAIRMAN. Do you mean that with reference to Mr. Thompson's presence?

Mr. BURCH. Yes, sir.

Mr. STEENERSON. As I stated a while ago, Mr. Thompson is present to enable me to cross-examine the witnesses.

The CHAIRMAN. Does he desire to be a witness?

Mr. STEENERSON. I do not so understand it.

STATEMENT OF MR. ALBERT L. THOMPSON.

The CHAIRMAN. You are the Mr. Thompson from whom I had a telegram?

Mr. THOMPSON. Yes, sir; I received your telegram, and came down to be present at this hearing.

The CHAIRMAN. Whom do you represent in the matter before the committee, Mr. Thompson?

Mr. THOMPSON. I was requested to come here by the business people of the reservation. They got together last Saturday evening and had a meeting, and suggested that somebody should come to Washington. If I represent anyone, it is the business interests out there, or the people who have settled on the White Earth Reservation. There are some very serious complications up there.

The CHAIRMAN. For whom are you speaking?

Mr. THOMPSON. For the Commercial Club of Detroit, the Commercial Club of Waubun, the Commercial Club of Mahnomen, the Commercial Club of Ogema, as well as for a number of the farmers who have located there.

The CHAIRMAN. Have you any commission from the people who sent you here?

Mr. THOMPSON. No, sir; I have no form of commission, but I was requested to come here by the representatives of these different commercial clubs I have mentioned.

The CHAIRMAN. Are they all within the reservation?

Mr. THOMPSON. No, sir; Detroit is just on the edge.

(At this point Mr. Thompson made an informal statement to the committee.)

Mr. STEENERSON. Will the statement just made by Mr. Thompson appear in the record?

The CHAIRMAN. No, sir; the Chair thinks it ought not to appear in the record. If he desires to appear, or if you desire to have him appear, to make his statement as the representative of the interests he has mentioned, that statement will appear in the record. He has not yet been sworn as a witness in this proceeding, and the Chair regards the statement he has just made as entirely informal.

Mr. STEENERSON. I desire to submit that Mr. Thompson, who, as I understand it, is an attorney, is appearing before the committee, and that his statement as such representative and attorney would be received in any court without being sworn to.

The CHAIRMAN. I do not understand that he is appearing here as their attorney or lawyer, but rather as their business representative.

Mr. STEENERSON. I would like to submit to the chairman, and I would like to have this of record, that it would be no more than fair to have all of that statement by Mr. Thompson to appear in the record.

The CHAIRMAN. The chair recognizes fully the nature of the statement. If Mr. Thompson comes here as the attorney of these people he will be permitted to make a statement, which will appear in the record. It would be unjust to him to have this informal statement go into the record, because the chair believes that when Mr. Thompson comes to make his formal statement to the committee it will be much more elaborate than the one he has just made. If he appears here as the attorney of the people and of the business interests he has mentioned, he will be afforded full opportunity to make such statement as he desires to the committee. You understand, Mr. Thompson, that the committee will give you full opportunity to present such facts as you desire in the course of this hearing.

TESTIMONY OF MISS ISABELLE WARREN.

(The witness, Miss Isabelle Warren, was duly sworn by the chairman.)

Mr. SLOAN. State your name.
Miss WARREN. Isabelle Warren.
Mr. SLOAN. Have you an Indian name?
Miss WARREN. Yes, sir.
Mr. SLOAN. State what it is.
Miss WARREN. Ozow-ush-quan-ah-quod-oquay.
Mr. SLOAN. Does that mean Blue Cloud Woman?
Miss WARREN. Yes, sir.
Mr. SLOAN. How old are you?
Miss WARREN. I think I am 16 years old.
Mr. SLOAN. Where do you live?
Miss WARREN. At Pine Point.
Mr. SLOAN. Is that on the White Earth Reservation?
Miss WARREN. Yes, sir; I think so.
Mr. SLOAN. What is your father's name?
Miss WARREN. John Warren.
Mr. SLOAN. What is your mother's name?
Miss WARREN. She has no English name.
Mr. SLOAN. Give us her Indian name.
Miss WARREN. Ah-be-tah-wush-kud-oonce.
Mr. SLOAN. Are you a member of the Chippewa Tribe of Indians?
Miss WARREN. Yes, sir.
Mr. SLOAN. Did you have any land?
Miss WARREN. Yes, sir.
Mr. SLOAN. Was it one or two pieces, or do you know?
Miss WARREN. I got two pieces of land.
Mr. SLOAN. Did you sell any of your land?
Miss WARREN. I sold one piece of land.
Mr. SLOAN. Do you know how many acres there were in that piece?
Miss WARREN. No, sir.
Mr. SLOAN. We will introduce later an abstract that will show the amount and description of the land. Who spoke to you first about selling your land?
Miss WARREN. Nobody.
Mr. SLOAN. Did you sell any of it?
Miss WARREN. Yes, sir.
Mr. SLOAN. Who was it that you sold it to?

Miss WARREN. I do not know his name.
Mr. SLOAN. Can you tell what kind of appearing man he was?
Miss WARREN. He was a white man.
Mr. SLOAN. Was he a large man?
Miss WARREN. He was a large man.
Mr. SLOAN. Was he an old man or a young man?
Miss WARREN. He was neither old nor young.
Mr. SLOAN. Where did you see him?
Miss WARREN. In the hotel at Pine Point.
Mr. SLOAN. Is that near where you live?
Miss WARREN. Yes, sir; quite near.
Mr. SLOAN. How did you come to see him there?
Miss WARREN. He sent word to me to come to see him.
Mr. SLOAN. By whom did he send the word?
Miss WARREN. He asked my stepfather to come on after me.
Mr. SLOAN. What is your stepfather's name?
Miss WARREN. John Stitch.
Mr. SLOAN. With whom did you go to see this man who bought your land?
Miss WARREN. There were three of us, my mother, myself, and my stepfather.
Mr. SLOAN. Where did you meet this man?
Miss WARREN. At the hotel.
Mr. SLOAN. Who was there besides yourself, your mother, and your stepfather?
Miss WARREN. The hotel keeper.
Mr. SLOAN. Do you know his name?
Miss WARREN. Mr. Robert Henry is his name.
Mr. SLOAN. Who else was there?
Miss WARREN. An interpreter.
Mr. SLOAN. Do you know who the interpreter was?
Miss WARREN. I do not know his name.
Mr. SLOAN. Was he a white man or an Indian, if you know.
Miss WARREN. He was a mixed-blood.
Mr. SLOAN. Was he an old man or a young man?
Miss WARREN. He was a young man.
Mr. SLOAN. Do you know whether or not he was a member of the Chippewa tribe?
Miss WARREN. No, sir; I do not know.
Mr. SLOAN. Did he speak the Chippewa language fluently so that you could understand him?
Miss WARREN. Yes, sir; he spoke the Chippewa language.
Mr. SLOAN. What did the purchaser of your land offer you for it?
Miss WARREN. He said he would pay me $800, but only gave me $100 for it.
Mr. SLOAN. Did you agree to take $800?
Miss WARREN. Yes, sir.
Mr. SLOAN. Did you not ask more for it than that?
Miss WARREN. I did ask him $1,000 for it, but when he said he would give me $800 for it I let him have the land.
Mr. SLOAN. Where did you sign the papers, if any?
Miss WARREN. Right there.
Mr. SLOAN. At the hotel?
Miss WARREN. Yes, sir; at the hotel.

Mr. SLOAN. Is that hotel at Pine Point or at Ponsford?

Miss WARREN. It is at Ponsford.

Mr. SLOAN. How did you sign the papers—by making your thumb print, or otherwise?

Miss WARREN. I wrote my name and also made my thumb print.

Mr. SLOAN. Who furnished you the paper and other materials with which you signed?

Miss WARREN. The land buyer furnished the material and also the paper; I do not know where he got them.

Mr. SLOAN. Did anyone other than the land buyer ask you any questions about this paper that you signed?

Miss WARREN. No, sir.

Mr. SLOAN. Was there any man other than the land buyer who asked you if you signed this paper willingly, or did you raise your hand and swear to any statement?

Miss WARREN. No, sir.

Mr. SLOAN. Did you have your trust patent with you at that time?

Miss WARREN. Yes, sir.

Mr. SLOAN. What did you do with it?

Miss WARREN. The one I had there that day I sold.

Mr. SLOAN. What did you do with the paper?

Miss WARREN. The land buyer took it.

Mr. SLOAN. Did he pay you $100 that day?

Miss WARREN. Yes, sir.

Mr. SLOAN. Have you had any more money since?

Miss WARREN. No, sir; that was the only time that he has paid me.

Mr. SLOAN. Have you asked him for any money since?

Miss WARREN. No, sir.

Mr. SLOAN. Have you seen him since?

Miss WARREN. I have seen him once since I sold the land to him.

Mr. SLOAN. Where did you see him that time?

Miss WARREN. I saw him at White Earth during the 14th of June celebration.

Mr. SLOAN. Did he come to your house at any time after you signed the papers for him at Pine Point?

Miss WARREN. Three weeks after I signed the papers he came again.

Mr. SLOAN. What did he come for then, if anything?

Miss WARREN. He told me that I was not yet of age, and asked my mother to give up her land, and that he would release my trust patent and send it back to me.

Mr. SLOAN. Did he say how long he would want to hold your mother's land and trust patent?

Miss WARREN. He said for four years.

Mr. SLOAN. State whether or not your mother signed any papers at that time?

Miss WARREN. The last time he came to our house neither I nor my mother signed any papers.

Mr. SLOAN. Did he take your mother's trust patent with him at that time?

Miss WARREN. Yes, sir; he took my mother's trust patent away with him.

Mr. SLOAN. Do you know whether or not it has been returned to your mother?

Miss WARREN. No, sir.

Mr. SLOAN. How long ago was it that you signed these papers for the man that bought your land?

Miss WARREN. I think it was about three years.

Mr. SLOAN. Have you a sister, or had you a sister?

Miss WARREN. I had one younger sister.

Mr. SLOAN. What was her name?

Miss WARREN. Susan was her name.

Mr. SLOAN. How much younger was she than you, if you know?

Miss WARREN. I do not know.

Mr. SLOAN. Is she living now?

Miss WARREN. No, sir.

Mr. SLOAN. How long ago did she die?

Miss WARREN. I think about nine years ago.

Mr. SLOAN. Do you remember the time she died?

Miss WARREN. Yes, sir.

Mr. SLOAN. Did you, at the later times that you saw this land buyer, ask him for any of the money still due on your land?

Miss WARREN. No, sir.

Mr. SLOAN. Tell us how much you have received altogether up to this time for your land?

Miss WARREN. He only gave me $100.

Mr. SLOAN. And that is all you have had?

Miss WARREN. That is all he ever gave me.

Mr. SLOAN. Do you know what kind of land this was?

Miss WARREN. It was prairie land.

Mr. SLOAN. Do you know whether it was good prairie land or not?

Miss WARREN. People who have seen it say that it is good prairie land.

Mr. SLOAN. Do you know whether or not it is farming land?

Miss WARREN. I do not know.

Mr. SLOAN. Have you ever seen this land?

Miss WARREN. I never saw the land.

Mr. SLOAN. With whom did you talk about selling it before the deed was written out and signed by you at Pine Point?

Miss WARREN. No one.

Mr. SLOAN. Did anyone advise you to sell it?

Miss WARREN. No, sir.

Mr. SLOAN. Was this the only man with whom you talked about selling your land?

Miss WARREN. He is the only one.

Mr. SLOAN. Did he tell you what his business was or where he lived?

Miss WARREN. The interpreter told me where the land buyer came from.

Mr. SLOAN. Where was that?

Miss WARREN. From Calloway, where he has a bank.

Mr. SLOAN. Did he not tell you that he was a banker from Calloway?

Miss WARREN. He told me that he was a banker and came from Calloway, and so did the interpreter.

Mr. SLOAN. That is all the questions I have in mind.

The CHAIRMAN. Have you some documents to offer?

Mr. SLOAN. Yes, sir; we have an abstract of title that we wish to file with this.

Mr. MONDELL. Did you have a conversation directly with the land buyers, or were the negotiations largely with your father and mother?

Miss WARREN. The land buyer did not let my mother talk, but only wished to talk with me myself.

Mr. FERRIS. Did the land buyer ask you how old you were at the time you signed these papers?

Miss WARREN. Yes, sir; and I told him that I was over 10 years of age, and he asked me again, and I told him I was probably 19 years of age.

Mr. FERRIS. Did the land buyer ask your stepfather how old you were?

Miss WARREN. No, sir; he asked only me.

Mr. FERRIS. Did he ask your mother how old you were?

Miss WARREN. No, sir.

Mr. FERRIS. Did your stepfather or your mother sign any papers which showed your age at that time?

Miss WARREN. No one signed any papers but myself.

Mr. FERRIS. Did you sign more than one paper?

Miss WARREN. There was just one piece of paper, which I signed twice.

Mr. FERRIS. Did you sign any affidavit or paper purporting to show how old you were at that time?

Miss WARREN. No, sir.

Mr. FERRIS. Is your father a white man or an Indian?

Miss WARREN. An Indian.

Mr. FERRIS. A full-blood or mixed-blood?

Miss WARREN. I do not know.

Mr. FERRIS. You do not know whether a full-blood or mixed-blood?

Miss WARREN. No.

Mr. FERRIS. How much Indian blood have you?

Miss WARREN. I do not know, but my father is a mixed-blood and my mother is an Indian.

Mr. FERRIS. Your mother is a full-blood?

Miss WARREN. My mother is a full-blood Indian and my father a mixed-blood.

Mr. FERRIS. What age were you when your father died?

Miss WARREN. My father is still living.

Mr. FERRIS. Then your mother has been married twice?

Miss WARREN. Yes.

Mr. FERRIS. How long ago was your mother married the second time?

Miss WARREN. I do not know.

Mr. FERRIS. About how long?

Miss WARREN. Probably five years.

Mr. FERRIS. Does your stepfather speak English?

Miss WARREN. No.

Mr. FERRIS. Does your mother speak English?

Miss WARREN. No.

Mr. FERRIS. How many years did you attend school?

Miss WARREN. Only two years.

Mr. FERRIS. What grade were you in?

Miss WARREN. In the second reader.

Mr. FERRIS. Had you attended any school prior to the sale of your land?

Miss WARREN. The first year I attended school, and during that school year I went home, and while I was home is when I saw this land.

Mr. FERRIS. Then you had only been attending school part of the year at the time you sold your land?

Miss WARREN. I was there only a short time.

Mr. HANNA. Who did the land buyer pay the money to—your stepfather or to you?

Miss WARREN. He gave the money to me.

Mr. HANNA. Did you use the money for yourself—spend the money yourself, or did you turn it over to your stepfather?

Miss WARREN. I gave some money to my mother.

Mr. HANNA. When the land buyer came afterwards and got the trust patent for your mother's land, did your mother at that time give a deed or anything for her land?

Miss WARREN. No one signed papers then.

The CHAIRMAN. Did your mother sign any paper for them?

Miss WARREN. She never signed any papers while she was selling her land.

The CHAIRMAN. Why did your mother give her trust patent to the land buyer.

Miss WARREN. The land buyer did not tell her that he wished to keep the paper; only that he wanted to look at it.

The CHAIRMAN. Was that at the time that you signed your deed to him?

Miss WARREN. No.

The CHAIRMAN. When was it?

Miss WARREN. Three weeks after that, when he came again.

The CHAIRMAN. Does he still keep the trust patent?

Miss WARREN. He still holds the two trust patents.

The CHAIRMAN. Well, do you understand that he bought your mother's allotment too?

Miss WARREN. No.

The CHAIRMAN. Why do you think he is keeping the trust patent?

Miss WARREN. I was not of age; that is the reason he is holding the trust patent.

The CHAIRMAN. What kind of money did he give you?

Miss WARREN. It was paper money.

The CHAIRMAN. Can you count money?

Miss WARREN. Yes; I counted the money he gave me.

The CHAIRMAN. What kind of bills was it in—what denomination or size were the bills in?

Miss WARREN. Some of them were $20 bills and some of them were tens.

The CHAIRMAN. Why did you tell the land buyer you were 19 years old?

Miss WARREN. I did not know my age—what my age really was.

The CHAIRMAN. Did anyone tell you to say you were 19?

Miss WARREN. No one advised me what to say at that time.

The CHAIRMAN. Did you talk with your own father about selling the land.

Miss WARREN. No.

The CHAIRMAN. Do you know how much is coming to you on that sale?

Miss WARREN. He has to pay me $700 yet.

The CHAIRMAN. Has he at any time offered you $700, or any part of it?

Miss WARREN. I have never talked with him since I sold the land to him.

The CHAIRMAN. How long ago is it that you sold it?

Miss WARREN. It is three years now.

The CHAIRMAN. Do you expect to get any more money from him?

Miss WARREN. No.

The CHAIRMAN. Why, if he owes you $700, do you not expect to get it?

Miss WARREN. I have not seen him since, and he lives too far away for me to go to call him up.

The CHAIRMAN. Do you ever expect to get any of that $700 now?

Miss WARREN. No.

The CHAIRMAN. Would you have taken $50 at the time?

Miss WARREN. No; I would not have taken it then; but when he offered me $100 why I took it.

The CHAIRMAN. Is that the most money you ever saw?

Miss WARREN. Yes.

The CHAIRMAN. What did you do with it?

Miss WARREN. We used it up.

The CHAIRMAN. How?

Miss WARREN. We got what we needed.

The CHAIRMAN. How much of it did you spend the day you got it?

Miss WARREN. I could not remember now.

The CHAIRMAN. Was it a good deal, or just a little?

Miss WARREN. We paid a debt of $20.

The CHAIRMAN. Whose debt was it—your stepfather's or your mother's?

Miss WARREN. I think it was my mother's.

The CHAIRMAN. To whom was it owed?

Miss WARREN. Jim, the storekeeper. His last name is Nunn.

The CHAIRMAN. Do you remember any particular thing you got that day with the money?

Miss WARREN. We paid a debt with the $20, and two days afterwards we came to town again and my mother bought a sewing machine for $20.

The CHAIRMAN. Is there any of that money left by this time?

Miss WARREN. I spent all the money I got; and what he still owes me, that is there yet.

The CHAIRMAN. You have not spent the other $700 yet?

(No response.)

Mr. HENSLEY. What day of the month is this?

Miss WARREN. I could answer that better in English.

Mr. HENSLEY. What day of the month is it?

Miss WARREN. I do not know.

Mr. HENSLEY. What day of the week is it?

Miss WARREN. Wednesday.

Mr. HENSLEY. If you had $20 and spent $5, how much would you have remaining?

Miss WARREN. $15.

Mr. MONDELL. When did the purchaser of your land promise to make the balance of the payments?

Miss WARREN. In four years, when he would return my mother's trust patent, and he would pay me in full for the land he bought.

Mr. MONDELL. Yes; but he did not obtain your mother's trust patent at the time?

Miss WARREN. On this second visit he did—three weeks after.

Mr. MONDELL. But at the time he paid you the $100, when did he promise to pay the $700?

Miss WARREN. I can only repeat what I said before.

The CHAIRMAN. What is it; what did you say?

Miss WARREN. When he came again the second time he said that he would pay us in four years.

Mr. MONDELL. But when he paid you the $100, did you then understand that there was more money coming to you, to be paid you later; and if so, when?

Miss WARREN. When he paid me this $100 he said he would be back again in a week, and he did not show up, but came in three weeks afterwards.

Mr. MONDELL. He was to pay the $700 at the end of a week, when he returned, was he?

Miss WARREN. Yes; that is what I said.

Mr. MONDELL. Is this case one of the cases you now have, Mr. Burch, up for investigation, in connection with which you are bringing a suit?

Mr. BURCH. I think so; yes. I do not know definitely, but I think so, but I will give you our theory of this case. I think it is very easily explained to you.

Mr. MONDELL. I think that might be interesting.

The CHAIRMAN. Is it something you have already stated that is in the record that you are going to allude to?

Mr. BURCH. I do not think so.

Mr. MONDELL. State it very briefly.

Mr. BURCH. Very briefly, I will endeavor to state to the committee what possibly will explain very much about this. I think the theory at our office——

The CHAIRMAN. Just a minute. Let me ask Mr. Mondell a question. Is it necessary to further examine the witness? If so, we had better get her testimony together and hear Mr. Burch later.

Mr. BURKE. I am like Mr. Mondell. I want to ask Judge Burch a question when it is proper.

The CHAIRMAN. Let me ask the witness an additional question, then. [To the witness.] Did you have any sister of the same name as yourself?

Miss WARREN. I only had a younger sister who was named Susan.

The CHAIRMAN. That is your name also, is it not?

Miss WARREN. No.

The CHAIRMAN. Oh; Isabelle is your name?

Miss WARREN. Yes.

The CHAIRMAN. And you gave Susan's age, I believe. Will you give it again?

Miss WARREN. Susan died nine years ago, and she was 2 years old at her death.

The CHAIRMAN. Was Susan your full sister? Do you know what that means? Was she the child of your own father and mother?

Miss WARREN. Yes.

The CHAIRMAN. Has your mother had any children since she married your stepfather?

Miss WARREN. Yes.

The CHAIRMAN. How many?

Miss WARREN. Two.

The CHAIRMAN. And how many children did your mother have by your father?

Miss WARREN. Three.

The CHAIRMAN. Who was the oldest of the three?

Miss WARREN. I am the oldest.

The CHAIRMAN. Are the other two still living?

Miss WARREN. One is yet living.

The CHAIRMAN. What is the name of the one that is living?

Miss WARREN. He is a boy, and he is called George.

The CHAIRMAN. How much were you older than Susan?

Miss WARREN. I think three or four, probably four years.

The CHAIRMAN. Was your mother married before she married your father?

Miss WARREN. No.

The CHAIRMAN. You are the oldest child that your mother had?

Miss WARREN. Yes: I am the oldest.

The CHAIRMAN. Was your father married before he married your mother?

Miss WARREN. No.

The CHAIRMAN. Mr. Sloan, are you ready to offer a record?

Mr. SLOAN. Judge Burch will offer them. There is a decree of court.

The CHAIRMAN. Whatever documents you have may go in now.

Mr. BURCH. Will the committee indulge me if I make a brief statement so as to clarify the matter, or do they want the more or less blind title?

Mr. BURKE. Make your record, Judge.

Mr. BURCH. This abstract is in the regular form of the other abstract that we have made use of here. Isabelle Warren was born August, 1896, according to this abstract, and there is involved lot 4 and the southwest quarter of northwest quarter, section 6, township 141, range 42. The application for the allotment appears to have been approved February 28, 1901, and the trust patents issued December 30, 1902.

Mr. MONDELL. What is the size of that tract?

Mr. BURCH. It is a lot.

Mr. MONDELL. Does it not give the amount?

Mr. BURCH. It does not give the amount, the exact acreage.

Mr. MONDELL. Or the approximate amount?

Mr. BURCH. No.

The CHAIRMAN. No fractional description?

Mr. BURCH. How?

The CHAIRMAN. What description have you of it?

Mr. BURCH. The fractional description would be lot 4; and the regular description, southwest quarter of northwest quarter, which would be 40 acres, of course.

Mr. MONDELL. If it was an ordinary fraction it would be something less or more than 40 acres.

Mr. BURCH. Just about 40 acres; it may have been about 40 acres, so it was intended as an 80-acre allotment, undoubtedly.

Now, the United States, as it appears, conveys to Isabelle Warren, dated December 30, 1902, filed February 23, 1909, and it is recorded in deeds book 25, page 17—conveys lot 4 and southwest quarter of northwest quarter of section 6, township 141, range 42.

The next thing that appears of record is a decree of a probate court, and all they put on record was the decree. I have not, in other words, the papers.

Mr. MONDELL. This first record is the record of the trust patent?

Mr. BURCH. Yes; the one I have already read.

Mr. MONDRELL. Yes.

Mr. BURCH. Now comes the decree of the probate court—a certified copy of the decree of the probate court that this girl is dead.

The CHAIRMAN. Have you the affidavit of decease noted on your abstract?

Mr. BURCH. Absolutely nothing; just the decree placed on record in the register's office, and that decree is all that has been sent to me here to explain the case. That decree shows an adjudication of heirship; that is, adjudicates the title to the heirs as George Warren, her father, and her mother by her Indian name, Ne-chow-day—father and mother.

Mr. MONDELL. George Warren is the real father?

Mr. BURCH. Yes; the real father; that is, according to the probate court's decision, and, I understand, according to her testimony.

Mr. MONDELL. It is not her stepfather?

Mr. BURCH. His name was, she (Isabelle Warren) says, was John instead of George—John Warren. [To the witness.] Did you say John or George?

Miss WARREN. John.

Mr. BURCH. Well, this shows John. Now, John Warren and the Indian woman were adjudicated heirs, and here is the adjudication just as it is recorded in the county register's office. The proceedings of the probate court which led up to that we have not here. We did not bring them. We did not intend to go into it.

Mr. BURKE. You will put the adjudication of the probate court into the record, will you?

Mr. BURCH. Yes.

(The document submitted by Mr. Burch is as follows:)

IN PROBATE COURT.

STATE OF MINNESOTA, *County of Becker:*

In the matter of the estate of Isabelle Warren, decedent. Final decree of distribution.

The above-entitled matter came on to be heard on the 4th day of October, 1909, upon the petition of the representative of said estate for the distribution of the residue of said estate to the persons thereunto entitled.

The representative of said estate appeared in person and by his attorney, [illegible]. W. Peake, Esq.

Upon said hearing, and due consideration of said petition and said final account and the evidence produced at said hearing, the arguments of counsel and all persons interested therein, and the files and records in said matter, the court finds the following facts:

First. That notice of said hearing has been duly given and served as required by law and the citation of this court for said hearing made and filed on the 8th day of September, 1909, and that said citation has been published, as required by law, in the Detroit Quiver.

Second. That the said estate has been in all respects fully administered, the expenses of administration thereof, of the last sickness and burial of said decedent, and all debts of said decedent and claims against his estate, have been fully paid and satisfied, and that said representative has filed his final account herein which has been settled and allowed by the court.

Third. That said decedent died intestate on the —— day of September, 1908, and at the time of his said death was a resident of Ponsford, in the county of Becker, State of Minnesota.

Fourth. That the residue of the estate of said decedent for distribution consists of the following property, to wit:

(A) Personal property of the value of $——— comprising the following items, viz: ———.

(B) Real property described as follows: The homestead of decedent situate in the county ———, State of Minnesota, viz:———.

Those other tracts or parcels of land lying and being in the county of Becker and Mahnomen, State of Minnesota, described as follows, to wit: Lot four (4) and the southwest quarter (SW. ¼) of the northwest quarter (NW.¼) of section six (6), township one hundred forty-one (141), range forty-two (42) west.

And the south half (S. ½) of the northwest quarter (NW. ¼) of section four (4), township one hundred forty-three (143), range thirty-eight (38) west.

Fifth. That the following-named persons are the sole heirs at law of the said decedent, and are all of the persons entitled to the residue of said estate of said decedent by law, to wit: John Warren, father of said deceased; Ne-chow-day, mother of said deceased.

Now, therefore, on motion of F. W. Peake, attorney, for ———, representative of said estate, and by virtue of the power and authority vested in this court by law, it is hereby ordered, adjudged, and decreed, and the said court does hereby order, adjudge, and decree, that all and singular the above-described property, together with all other estate of said decedent in the State of Minnesota, be, and the same hereby is, assigned to and vested in the above-named persons in the following proportions and estates, to wit: To said John Warren and Ne chow day, each and equal undivided one-half thereof.

To have and to hold the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said above-named persons, their heirs and assigns; without prejudice, however, to any lawful conveyance of said property or any part thereof by said persons, or any of them, made.

Witness, the Hon. W. W. Wilkins, judge of said court, and the seal of said court, this —— day of October, 1909.

[SEAL.] W. W. WILKINS,
Judge of Probate.

NOTE 1.—Insert "payment of legacies," if any there be.

NOTE 2.—Insert "residuary legatees and devisees," or "sole heirs at law," as the case may be.

NOTE 3.—Insert "by the terms of his last will and testament" or "by law," as the case may be.

(Indorsed:) No. ———. In probate court, county of Becker. In the matter of the estate of Isabelle Warren, decedent. Final decree assigning residue of estate. State of Minnesota, county of Becker, ss: I, W. W. Wilkins, judge of the probate court of said county, do hereby certify that I have compared the within final decree, in the matter of said estate, with the original final decree on file and of record in the probate office of the county aforesaid, and that the same is a true copy thereof, and of the whole of said original final decree and record. In testimony whereof I have hereunto affixed the seal of the probate court of said county and signed my name this 16th day of May, 1911. W. W. Wilkins, judge of probate. Filed this 4th day of October, 1909, and recorded in Book 1 of Decrees, page 490. Albert Wilkins, clerk.

Mr. MONDELL. What was the date of these proceedings?

Mr. BURCH (reading):

In the matter of the estate of Isabelle Warren, probate-court decree, county of Becker, to John Warren, father, etc.

It is dated October 4, 1909; filed October 14—that is, for record in the register of deeds' office, October 14, 1909—and then it gives the deeds. Do you desire the book of deeds description of that? She was then, according to this record, 13 years of age, according to the date that is given on the agency record; that is abstracted also. She would have been 13 years of age.

Mr. GEORGE. Then this thing occurred two years ago by that paper?

Mr. BURCH. Yes; it was filed two years ago—1909.

The next thing is the warranty deed, John Warren to Achsah Mooers, and that purports to be a warranty deed of one-half: that is, the father's half. The father and mother were adjudicated equal parts according to the law of Minnesota, heirs.

Mr. BURKE. Did this adjudication include more than 80 acres, or 160 acres?

Mr. BURCH. Eighty acres, or thereabouts. Now, Warren deeds his half that he is supposed to have inherited from the dead Isabelle Warren to Achsah Mooers. That is dated January 12, 1909, and filed January 14, 1909, which is the same day as the filing of the probate matter. That is all we have here; that is, we have a copy of it.

Mr. BURKE. Suppose you put that in the record; let us get the record of this one case.

Mr. BURCH. Yes: that may be put into the record.

(The document here submitted by Mr. Burch is as follows:)

WARRANTY DEED.

This indenture, made this 12th day of January, in the year of our Lord 1909, between John Warren, of the county of Cass and State of Minnesota, party of the first part, and Achsah Mooers, of the county of Becker, in the State of Minnesota, party of the second part.

Witnesseth, that the said party of the first part, for and in consideration of the sum of $400, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do here grant, bargain, sell, and convey unto the said party of the second part, her heirs and assigns, forever, all that tract or parcel of land lying and being in the county of Becker, in the State of Minnesota, described as follows, to wit: Lots 4 and 9, in section 6, township 141, north of range 42 west of the fifth principal meridian. To have and to hold the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said party of the second part, her heirs and assigns, forever. And the said John Warren, party of the first part, for himself, his heirs, executors, and administrators, do covenant with the party of the second part, her heirs and assigns, that he is well seized in fee of the lands and premises aforesaid, and has good right to sell and convey the same in the manner and form aforesaid, and that the same are free from all incumbrances, and the above-bargained and granted lands and premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part will forever warrant and defend.

It is expressly represented that the party of the first part is a mixed-blood Indian of the White Earth Reservation in the State of Minnesota and not an Indian of the full blood, and that he comes within the purview of an act passed by Congress, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending

June 30, 1907," which said act was passed by the Fifty-ninth Congress and, in part, is as follows:

"That all restrictions as to sale, encumbrances, or taxation for allotments within the White Earth Reservation in the State of Minnesota now or hereafter held by adult mixed-blood Indians are hereby removed, and the trust deed heretofore or hereafter executed by the department for such allotments are hereby declared to pass the title in fee simple, or such mixed-bloods upon application shall be entitled to receive a patent in fee simple for such allotments; and as to full-bloods said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottees a patent in fee simple upon application."

In testimony whereof the party of the first part has hereunto set his hand and seal the day and year first above written.

JOHN WARREN. [SEAL.]

Signed, sealed and delivered in the presence of—
H. R. MELROSE,
JOE BELCOURT.

STATE OF MINNESOTA, *County of Becker, ss:*

On this 12th day of January, A. D. 1909, before me, a notary public within and for said county, personally appeared John Warren, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

H. R. MELROSE,
Notary Public, Becker County, Minn.

My commission expires November 30, 1914.

STATE OF MINNESOTA, *County of Becker, ss:*

John Warren, being first duly sworn, deposes on oath and says that he is the grantor and party named in the foregoing deed and the owner of the premises therein described; that he has read, or heard read, the foregoing deed and knows the contents, and that all of the statements therein made are true; that he is a mixed-blood Indian of the White Earth Reservation of the State of Minnesota, and that he is not an Indian of the full-blood; and that this affidavit is made with the full understanding and knowledge that the grantee in said deed is purchasing said land and premises upon the representation that the affiant is an adult Indian of the mixed-blood, and in reliance upon this affidavit.

JOHN WARREN.

Subscribed and sworn to before me this 12th day of January, A. D. 1909.

[SEAL.] H. R. MELROSE,
Notary Public, Becker County, Minn.

My commission expires November 30, 1914.

Taxes paid and transfer entered this 14th day of January, 1909. H. S. Dahlen, county auditor, Becker County. By A. C. K., deputy.
No. 48872.

OFFICE OF REGISTER OF DEEDS, *County of Becker, Minn., ss:*

I hereby certify that the within instrument was filed in this office for record on the 14th day of January, A. D. 1909, at 5 o'clock p. m., and was duly recorded in book 33 of deeds, page 438.

PHILLIP S. CONVERSE,
Register of Deeds.
By J. D. C., *Deputy.*

CERTIFICATE OF COPY OF RECORD—REGISTER OF DEEDS.

OFFICE OF REGISTER OF DEEDS, *Becker County, Minn.:*

I, L. F. Stenseth, register of deeds of said county and State, do hereby certify that I have compared the foregoing paper writing with the original record now remaining in this office, and that the same is a correct transcript therefrom and of the whole of said original record as the same appears in book 33 of deeds, page 438, recorded January 14, 1909, at 5 p. m.

In witness whereof I have hereunto subscribed my name and affixed my official seal at the courthouse in the city of Detroit, in said county and State, this 19th day of May, A. D. 1911.

[SEAL.] L. T. STENSETH, *Register of Deeds.*

The next thing that appears is the deed of Isabelle Warren to Frank S. Graham—that is, this purchaser she has been testifying about, to whom she sold directly. It appears that the grantee was Frank S. Graham. That deed was dated February 20, 1902.

Mr. MONDELL. What is the description in that deed? Is it the same description as in the trust deed which you have read from?

Mr. BURCH. Well, it does not give the description here on the abstract, but that follows from the other. We have the deed itself, or a copy of the deed itself.

Mr. MONDELL. The deed to Frank Graham?

Mr. BURCH. No; that is not the deed to Frank Graham; it is Frank Graham's deed to somebody else.

Mr. BURKE. What consideration is in this?

Mr. BURCH. $1,000. Here [indicating] in the deed to Frank Graham. I will put that in.

(The document here submitted by Mr. Burch is as follows:)

WARRANTY DEED.

This indenture, made this 20th day of February, in the year of our Lord, one thousand nine hundred and nine (1909), between Isabelle Warren, a single woman, of the county of Becker and State of Minnesota, party of the first part, and Frank S. Graham of the county of Becker, in the State of Minnesota, party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of one thousand dollars, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do here grant, bargain, sell, and convey unto the said party of the second part his heirs and assigns, forever, all that tract or parcel of land lying and being in the county of Becker, in the State of Minnesota, described as follows, to-wit:

The lot numbered four (4) and the southwest quarter of the northwest quarter of section six (6) in the township one hundred forty-one (141) north of range forty-two (42) west of the fifth principal meridian in Minnesota containing eighty acres and 45/100 of an acre.

To have and to hold the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said party of the second part, his heirs and assigns, forever, and the said Isabelle Warren, party of the first part, for her heirs, executors, and administrators does covenant with the party of the second part, his heirs and assigns, that she is well seized in fee of the lands and premises aforesaid, and has good right to sell and convey the same in the manner and form aforesaid, and that the same are free from all incumbrances, and the above bargained and granted lands and premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part will forever warrant and defend.

It is expressly represented by the party of the first part, a mixed-blood Indian of the White Earth Reservation in the State of Minnesota and not an Indian of the full-blood, and that she comes within the purview of an act passed by Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907," which said act was passed by the 59th Congress, and in part is as follows:

"That all restrictions as to sale, incumbrances, or taxation for allotments within the White Earth Reservation in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deed heretofore or hereafter executed by the department for such allotments are hereby declared to pass the title in fee simple, or such mixed-bloods upon

application shall be entitled to receive a patent in fee simple for such allotments; and as to full-bloods said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottees a patent in fee simple upon application."

In testimony whereof the party of the first part has hereunto set her hand and seal the day and year first above written.

ISABELLE WARREN. [SEAL.]

Signed, sealed, and delivered in the presence of—
FRANK MURPHY,
CHAS. R. FAIRBANKS.

STATE OF MINNESOTA,
County of Becker, ss:

On this 20 day of February, A. D. 1909, before me, a notary public within and for said county, personally appeared Isabelle Warren, a single woman, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that —— executed the same as her free act and deed.

[SEAL.] FRANK MURPHY.

My commission expires May 21, 1912.

STATE OF MINNESOTA,
County of Becker, ss:

Isabelle Warren, being first duly sworn, deposes on oath and says that she is the grantor and party named in the foregoing deed and the owner of the premises therein described; that she has read, or heard read, the foregoing deed and knows the contents, and that all of the statements therein made are true; that she is a mixed-blood Indian of the White Earth Reservation of the State of Minnesota, and that she is not Indian of the full-blood, and that this affidavit is made with the full understanding and knowledge that the grantee in said deed is purchasing said land and premises upon the representation that the affiant is an adult Indian of the mixed blood and in reliance upon this affidavit.

ISABELLE WARREN.

Subscribed and sworn to before me this 20 day of February, A. D. 1909.

[SEAL.] FRANK MURPHY,
Notary Public, Becker County, Minn.

My commission expires May 21, 1912.

STATE OF MINNESOTA, *County of Becker, ss:*

Charles R. Fairbanks being duly sworn and says that he understands and speaks the Chippewa Indian language fluently; that he read and carefully interpreted and explained the foregoing instrument to Isabelle Warren before she signed the same, and that she stated then and there that she fully understood its purport.

CHARLES R. FAIRBANKS.

Subscribed and sworn to before me this 20 day of February, A. D. 1909.

[SEAL.] FRANK MURPHY,
Notary Public.

My commission expires May 21, 1912
Taxes paid and transfer entered this 23 day of Feb., 1909.

H. S. DAHLEN,
County Auditor, Becker Co.
By A. C. K., *Deputy.*

OFFICE OF REGISTER OF DEEDS, *County of Becker, Minn., ss:*

I hereby certify that the within instrument was filed in this office for record on the 23 day of Feb., A. D. 1909, at 10 o'clock a. m., and was duly recorded in book 33 of deeds, page 458.

PHILLIP S. CONVERSE,
Register of Deeds.
By J. D. C., *Deputy.*

CERTIFICATE OF COPY OF RECORD—REGISTER OF DEEDS.

OFFICE OF REGISTER OF DEEDS,
BECKER COUNTY, MINN.

I, L. T. Stenseth, register of deeds of said county and State, do hereby certify that I have compared the foregoing paper writing with the original record now remaining in this office, and that the same is a correct transcript therefrom, and of the whole of said original record as the same appears in book 33 of deeds, page 458. Recorded Feb. 23d, 1909, at 10 a. m.

In witness whereof, I have hereunto subscribed my name and affixed my official seal at the courthouse in the city of Detroit in said county and State, this 19 day of May, A. D. 1911.

[SEAL.] L. T. STENSETH,
Register of Deeds.

Mr. MONDELL. Is that description the same as you have read in the trust patent?

Mr. BURCH. Yes; lot 4, and southwest quarter of northwest quarter, section 5, township 141 north, range 42 west; the same description. That conveys from the living girl.

Mr. BURKE. Whom does that purport to have been acknowledged before?

Mr. BURCH. Frank Murphy, who states that his commission expires May 21, 1912, and that it is in the county of Becker, State of Minnesota.

The next thing that appears of record is a mortgage from Frank Graham and Bessie E. Graham, his wife; the consideration named in that deed is $1,000—Frank Graham and Bessie Graham, his wife, mortgaged to the Homestead Real Estate Loan Co., February 23, 1909. I think that is three days later; three days after he obtained this deed he mortgaged it, consideration $1,000, to the Homestead Loan Co.

The next thing that appears of record is a warranty deed from O-bah-bah-waush-kud-once, or Mrs. John Warren, and John Stits, husband, to Achsah Mooers.

Mr. BURKE. That is the Indian woman conveying?

Mr. BURCH. That is the Indian woman and her second husband conveying to the same Achsah Mooers. They conveyed the entire probated state. The first had been by John Warren alone, his half, and this second half is by the mother, or wife, and her second husband, conveying the other half of the probated estate.

The CHAIRMAN. Do you know what the laws of Minnesota are with reference to inheritances in case of a minor child dying, leaving a father and mother and brother and sister?

Mr. BURCH. It goes to the father and mother jointly.

The CHAIRMAN. The other children——

Mr. BURCH. Not jointly, but equally, I would say.

The CHAIRMAN. Do the children get nothing?

Mr. BURCH. I think not. I am not familiar with that, however; for the purposes of this case I am not entirely familiar.

The next thing that appears is the satisfaction of this $500 mortgage. It is dated December 6, 1909—in the following December the mortgage was satisfied. That runs to Frank S. Graham. So that leaves Frank Graham the deed from Isabelle and Achsah Mooers, the deed from the probate court—that is, from the father and mother under the decree of the probate court.

Mr. BURKE. Graham—I thought Graham got the deed?

Mr. BURCH. Oh, no; Achsah Mooers.

Mr. BURKE. All right.

Mr. BURCH. Then I call the attention of the committee to this: The next is a quitclaim deed from Frank S. Graham and Bessie E. Graham, his wife, to Achsah Mooers.

Mr. FERRIS. Have you pursued that proceeding far enough to see where they got the proof that this Indian girl was dead?

Mr. BURCH. I feel sure they have it at the office, but I have not got it myself.

Mr. FERRIS. Could you secure it?

Mr. BURCH. Oh, absolutely.

Mr. FERRIS. Do they keep a stenographer in the probate court there and make a record of all the ex parte hearings?

Mr. BURCH. No; they take the blanks. The blanks are filled out with these proofs.

The CHAIRMAN. The first thing required is an affidavit that the person is dead, and that affidavit should state the relatives who should inherit. Then an application would be made for the appointment of an administrator; and if that application was approved, the administrator would file a bond. When the bond was filed and approved, letters of administration would issue.

Mr. FERRIS. I am familiar with that proceeding, but the thing I am trying to get at is what that proof consisted of and who put the proof on.

Mr. BURKE. Do you think the probate court would have had jurisdiction if the girl had been dead?

Mr. BURCH. Well, that is a question, but I think generally they consider that they would have; yes.

Mr. BURKE. In the case of an Indian?

Mr. BURCH. In the case of an Indian.

Mr. BURKE. As to the allotment?

Mr. BURCH. As to the allotment; yes.

Mr. MONDELL. Do you think that is generally true or simply true in Minnesota?

Mr. BURCH. I do not know. It is true under these acts in Minnesota; that is the way we regard it, I think.

Mr. BURKE. The Five Tribes is a different proposition.

Mr. MONDELL. It would not be true as a rule, I think, in the Indian country generally.

The CHAIRMAN. Please go on, and then, when you complete your statement, the committee can go after you as vigorously as they wish.

Mr. BURCH. All right; then, I will go on with this next. The next step is a mortgage from Harry Manes and Sarah Manes, his wife, to S. E. Mooers. That is dated November 8, 1909.

Mr. MONDELL. A mortgage, did you say?

Mr. BURCH. A mortgage, yes; to S. E. Mooers; not Achsah Mooers, but S. E. Mooers.

Mr. BURKE. Who is the mortgagor?

Mr. BURCH. Oh, no; I guess I have skipped one. I beg your pardon. I should have said the next thing is a mortgage from Frank S. Graham. Oh, no; I have gone over that, too.

Mr. MONDELL. You had reached the point where there was a warranty deed to Mooers.

Mr. BURCH. The next step was a warranty deed from Achsah Mooers and S. E. Mooers, his wife. I supposed that Achsah was a woman all the time, but apparently they deeded to Harry Manes December 9, 1909. Then Harry Manes and Sarah Manes, his wife, mortgaged to S. E. Mooers; probably a mortgage back for purchase money.

Mr. BURKE. How much?

Mr. BURCH. Sixteen hundred dollars. The next is an assignment of this mortgage from S. E. Mooers to the Farmers & Merchants' Bank of Sheboygan, Wis. That is dated August 8, 1910, and the consideration is $1,646.67.

(The document above read from is as follows:)

ISABELLE WARREN, 167 MINOR. ORIGINAL, 1949.

STATEMENT.

This allottee, Isabelle Warren, is alive, and was recently attending the Government school at Ponsford (Pine Point), and can be found either at the school or a short distance north of Ponsford. Long.

Mr. Frank Carr, timber cruiser, can give some pointer where to find her.

Original, 1949, Isabelle Warren, minor, 167, born August, 1896. Lot 4 and SW. ¼ of NW. ¼, 6-141-42; application approved February 28, 1901; patented December 30, 1902.

1. *Patent.*—United States to Isabelle Warren, dated December 30, 1902; filed February 23, 1909; deed book 35, page 17; conveys lot 4 and SW. ¼ of NW. ¼, 6-141-42.

2. *Decree.*—Estate of Isabelle Warren, probate court, Becker County, to John Warren, father, Ne-chow-day, mother, each an undivided one-half thereof; dated October 4, 1909; filed October 14, 1909; deed book 32, page 402; decrees land in patent and S. ½ of NW. ¼, 4-143-38.

3. *Warranty deed.*—John Warren to Achsah Mooers; witnesses, H. R. Melrose, Joe Belcourt; dated January 12, 1909; filed January 14, 1909; deed book 33, page 438; consideration, $400; conveys lots 4 and 9, 6-141-42; before H. R. Melrose (lot 9 is SW. ¼ of NW. ¼); mixed-blood affidavit by grantor.

4. *Warranty deed.*—Isabelle Warren, single, to Frank S. Graham; witnesses, Frank Murphy, Charles R. Fairbanks; dated February 20, 1909; filed February 23, 1909; deed book 33, page 458; consideration, $1,000; conveys land in patent before Frank Murphy; mixed-blood affidavit by grantor and interpreter's affidavit by Charles R. Fairbanks.

5. *Mortgage.*—Frank S. Graham and Bessie E. Graham, wife, to Homestead Real Estate Loan Co., dated February 23, 1909; filed March 11, 1909; mortgage book 35, page 29; consideration $500; conveys land in patent.

6. *Warranty deed.*—O-bah-bah-waush-kud-once, or Mrs. John Warren and John Stits, husband, to Achsah Mooers; witnesses, H. R. Melrose, Frank Smith; dated March 19, 1909; filed March 23, 1909; deeds book 37, page 237; consideration, $400; conveys lots 4 and 9; 6-141-42; H. R. Melrose; mixed-blood affidavit by grantor, Mrs. John Warren.

7. *Satisfaction.*—Homestead Real Estate Loan Co. to Frank Graham et al.; dated December 6, 1909; filed December 9, 1909; mortgage book 37, page 330; consideration, payment; satisfies mortgage in abstract No. 5.

8. *Quitclaim deed.*—Frank S. Graham and Bessie E. Graham, his wife, to Achsah Mooers; dated December 9, 1909; filed February 28, 1910; deeds book 39, page 128, consideration, $1,200; conveys land in patent.

9. *Warranty deed.*—Achsah Mooers and S. E. Mooers, his wife, to Harry Manes; dated December 9, 1909; filed February 28, 1910; deeds book 39, page 128; consideration, $1,200; conveys land in patent.

10. *Mortgage.*—Harry Manes and Sarah Manes, his wife, to S. E. Mooers; dated November 8, 1909; filed February 28, 1910; mortgage book 33, page 214; consideration, $1,600; conveys land in patent and other.

11. *Assignment.*—S. E. Mooers to Farmers and Merchants Bank, of Sheboygan, Wis.; dated April 8, 1910; filed April 15, 1910; mortgage book 21, page 316; consideration, $1,646.67; assigns mortgage in abstract No. 10.

March 17, 1911.

A. A. 1437. ISABELLE WARREN, MINOR. CASE 167.

A. A. 1437, 1949, case 167; Isabelle Warren, born August —, 1896; S. ½ of NW. ¼, 4-143-38. Application approved September 13, 1907; patented February 6, 1908.

1. *Patent.*—United States to Isabelle Warren; dated February 6, 1908; filed September 20, 1910; deeds book 20, page 184; conveys S. ½ of NW. ¼, 4-143-38.

2 *Warranty deed.*—John Warren and Ah-be-tah-wah-wush-cud-once, his wife, to Homestead Real Estate Loan Co.; dated February 19, 1910; filed March 5, 1910; deeds book 15, page 495; consideration $400; conveys land in patent.

3. *Final decree.*—Estate of Isabelle Warren, probate court, Becker County, to John Warren, father, and Ne-chow-day, mother, each one-half thereof; dated October 4, 1909; filed September 20, 1910; deeds book 13, page 282; decrees land in patent and lot 4. SW. ¼ of NW. ¼, 6-141-42.

4. *Affidavit.*—Fred W. Peake, to whom it may concern; dated September 12, 1910; filed September 20, 1910; miscellaneous book B, page 383; declares John W. Warren and Ah-be-tah-wah-wush-cud-once adult mixed-bloods.

5. *Warranty deed.*—Homestead Real Estate Loan Co., to Joseph McCann, Bottineau County, N. Dak.; dated, December 22, 1910; filed, February 17, 1911; deeds book 15, page 592; consideration, $1,550; conveys land in patent.

February 17, 1911.

Allotment No. A. A. 1437, case 167; allottee, Isabelle Warren; allotment, S. ½ of NW. ¼, 4-143-38, lot 4 and SW. ¼ of NW. ¼, 6-141-42; application, ———; approved, ———; patented, ———; birth, ———; death, September, 1908; age at death, minor; petition for probate, January 15, 1909; county, Becker; name of petitioner, John Warren; relationship of petitioner, father; name of administrator, H. R. Melrose; date of hearing, October 4, 1909; order to sell, ———; date of decree, October 4, 1909; lands decreed, lot 4 and SW. ¼ of NW. ¼, 6-141-42, S. ½ of NW. ¼, 4-143-38; to whom decreed and relationship, John Warren, father, Ne-show-day, mother, each an equal undivided one-half thereof.

Now, may I state a theory we have about this, at least our understanding? I have been told what the proof would develop. This case was brought only as illustrative, anyway.

The CHAIRMAN. Your theory about what?

Mr. BURCH. How this happened.

The CHAIRMAN. That is, how this administration——

Mr. BURCH. Yes; the whole matter—just a word.

Mr. MONDELL. How this apparent mix-up occurred.

The CHAIRMAN. The committee will hear you.

Mr. BURCH. I understand from the people in our office who investigated this case—it is hearsay from them.

The CHAIRMAN. Do you expect to prove the facts you are going to state or to offer proof in support of them.

Mr. BURCH. If the committee want it, later on, but we expect to prove the circumstances when we come to the case in court, and if the committee desires further proof about the matter or the other side contests it, we will, of course.

The CHAIRMAN. Go on.

Mr. BURCH. That Mooers sought to purchase this land and found that the girl was under age; that he boldly took the probate court method of avoiding that, and induced the father or somebody, whoever it was, to claim that she was dead, and thus went through the probate proceedings; and Graham found out about it and went and got this deed for the $100—only paid $100 down and got this deed—and then went and held Mooers up. He knew of this affair. He found out about this affair of probating the estate of a person who was not deceased, etc.; that he went and got this deed from the Indian and held the Mooers's outfit up.

Then, in justification of Mooers, or at least on his side, I have seen a telegram in the hand of the chairman, and I understand that it is claimed by these parties that Mooers understood all the time that this deceased sister, Susan's, was the estate that he supposed he was getting; that is, she had an allotment. It appears, however, she never did have any allotment, and that her mother, or some one, had told her that her name was Isabelle, and that when she died they gave the name Isabelle to this one; in other words, he claims to have acted in good faith in the probate proceedings.

Mr. BURKE. Susan was the younger?

Mr. BURCH. Susan was the younger, and he claims—I think the chairman has a telegram, which he kindly showed me, to that effect. Now, here is an affidavit from the mother which denies that fact. But the fact that we stand on was that she was always under age and had no right to convey away the Government lands.

Mr. BURKE. Is there an answer filed in this case?

Mr. BURCH. I do not know; I can not say.

Mr. FERRIS. Has there been any prosecution for perjury connected with that proceeding?

Mr. BURCH. We do not have any such thing under the United States law.

Mr. HENSLEY. Which is the better title?

Mr. BURCH. I am not on oath now, nor advising.

Mr. FERRIS. I am serious about my question. My question was. Has there been any prosecution for perjuries? There have been a series of perjuries.

The CHAIRMAN. Do you think we are investigating the local authorities?

Mr. BURCH. To my knowledge there has been no prosecution for perjury—that is, so far as I know.

The CHAIRMAN. Just a question before we leave it. You mention an affidavit, which you produced. For what purpose do you produce it?

Mr. BURCH. Well, it was known that it was claimed that the parties acted under good faith in these probate proceedings, but under some mistake or misapprehension, and that misapprehension was in connection with this Susan who had died.

The CHAIRMAN. But you do not offer it, do you, on the theory that it is evidence before the committee?

(Affidavits submitted by Mr. Burch are as follows:)

MINOR CASE NO. 167.—ORIG. NO. 1948, A. A. NO. 1437.

STATE OF MINNESOTA,
County of Becker, ss:

Ah-be-tah-wush-kud-oonce, or Mrs. Warren, correct Indian name Ne-chow-day, of lawful age, and first being duly sworn, says:

I am the mother of Isabelle Warren, who is my oldest child; she is now fifteen years of age. My other child, Susan Warren, was three years younger; she died eight years ago. I have one boy of that family; he is now attending the Pine Point School. John W. Warren is the father of these three children.

Isabelle Warren sold her orig. allot. to a man from Calaway. I told him that she was not of age, and he would not let me talk, as he said that it did not make any difference. He was to pay $800, and gave her $100, and said that he would pay the remainder after he saw the agent. This was three years ago; she has not been paid any more since.

John W. Warren and J. W. Nunn came to my house to have me sign some [illegible] to sell the allotment of my dead child, Susan Warren, or Way-we-she-

gah-bow-e-quay. I did not know that the estate of Isabelle had been probated. I do not know Achsah Moores, or H. R. Melrose, and I have not signed any papers when Frank Smith acted as interpreter. I did not sell the additional allotment of Isabelle Warren to anyone; we have her trust patent at my house at the present time. I have known of Fred Peak for about ten years, although not personally acquainted with him.

AH-BE-TAH-WUSH-KUD-OONCE, or MRS. WARREN (her mark).

Witness to mark:
JOHN BROKER,
F. D. COOKE.

Subscribed and sworn to before me this 4th day of April, 1911.

THOS. E. HARPER,
Special Agent, Department of Justice.

MINOR CASE, No. 167.—ORIG. No. 1947, A. A. No. 1437.

STATE OF MINNESOTA, *County of Becker, ss:*

J. W. Nunn, of lawful age, and first being duly sworn, says:

I took an acknowledgment to some papers that I understood to be a transfer of land in which John W. Warren and Ah-be-tah-wush-kud-oonce, his wife, were interested before they had separated. I understood that it was a dead allotment. In that deal Mrs. Warren was to have received $250.00 in consideration of her claim to the estate, and was paid $25.00 at the time of signing the document.

J. W. NUNN.

Subscribed and sworn to before me this 5th day of April, 1911.

THOS. E. HARPER,
Special Agent, Department of Justice.

MINOR CASE No. 167.—ORIG. No. 1949, A. A. No. 1437.

STATE OF MINNESOTA, *County of Becker, ss:*

Isbell Warren, minor, being duly sworn, says:

About one year ago my stepfather came home and told me that some men were at the hotel at Ponsford and wanted to buy my land. My mother and I got into his wagon and went to the hotel and there met a man that wanted to buy the land, and he asked me how old I was, and I said over 10 years of age. My mother tried to tell them and they would not let her talk. They said that they would buy my land, and I told them that I might be over 19 years of age. I wanted $1,000 for my land and they would only agree to give me $800. They paid me $100 and said that they would pay the balance in five years. I signed one paper for them.

ISBELL WARREN.

Witnesses:
JOHN BROKER.
F. D. COOKE.

Subscribed and sworn to before me this 4th day of April, 1911.

THOS. E. HARPER.
Special Agent, Department of Justice.

MINOR CASE No. 167.—ORIG. No. 1949, A. A. No. 1437.

STATE OF MINNESOTA, *County of Becker, ss:*

Frank Smith, of lawful age, and first being duly sworn, says:

I am acquainted with Ah-be-tah-wush-kud-oonce, or Mrs. Warren, and John Stits, her husband, but have no recollection of acting as a witness for them in

any sale of land. Neither have I been a witness to any sale of land in which I knew Achsah Mooers to be interested.

I know Isabelle Warren to be alive and at the present time to be about fifteen years of age.

FRANK SMITH.

Subscribed and sworn to before me this 5th day of April, 1911.

THOS. E. HARPER,
Special Agent, Department of Justice.

Mr. BURCH. No; I do not consider any of this relevant evidence in a court of law.

The CHAIRMAN. It is a statement of what you hope to show later on?

Mr. BURCH. It is merely a case illustrative of the way business has been transacted there; that is all.

Mr. MONDELL. What proceeding are you taking; what method are you employing to straighten out this matter and restore the title to the owner?

Mr. BURCH. We file, as in all cases, a bill stating that this person sought to convey away property of the Government of the United States under mistake of her legal rights, but she had no right to do so, and thereby clouded the right of the United States to those lands, which cloud we have to ask to be removed.

Mr. MONDELL. You bring the probate proceedings in?

Mr. BURCH. Ordinarily, while we state the probate proceedings in the bill, we do not ask relief—that is, do not make party defendant anybody but the last person or persons. If one holds a mortgage and another a deed, we simplify our bill against the persons whom we ask relief from of the court.

Mr. BURKE. I want to ask him one or two questions.

The CHAIRMAN. You may ask them.

Mr. BURKE. What I am desirous of doing, Judge—and we have sat here two or three days—is to see whether or not we can do anything that will relieve the situation up there. Under the theory of the law, the Clapp amendment or the Clapp Act, inside of 12 months she can convey this land?

Mr. BURCH. Under this amendment of 1907, I think she can.

Mr. BURKE. In other words, about the time you get your proceedings through conveying the land she could convey it?

Mr. BURCH. She could; but not the United States to those same parties.

Mr. BURKE. Is there any way, in your judgment, by which this girl may be protected?

Mr. BURCH. Yes. I think a repeal of that amended law under the 1907 act would leave her in exactly the condition she was in before either of the laws was passed.

Mr. BURKE. What degree of Indian is she, do you know?

Mr. BURCH. I do not know.

The CHAIRMAN. Mr. Hinton, can you answer?

Mr. HINTON. She is noted on the record 4/4.

Mr. BURKE. Then, in this case, if she is full-blood, the result of these proceedings will be that she can not convey it?

Mr. HINTON. If she is full-blood she can not convey it.

Mr. MONDELL. How do you reconcile the record that she has a father who is half-blood and the daughter is full-blood?

Mr. HINTON. The record does not show.

Mr. BURCH. Gentlemen, it is on the ground sometimes of the statement of the mother of what possibly might be termed marital infidelity, if it was a white person.

Mr. BURKE. We will assume, for the purposes of my inquiry, that she is of mixed-blood; I think she is. Now, I would like to know whether you can furnish the committee with any evidence to show that this Frank Graham was the man she talked with and saw in this hotel when this transaction took place?

Mr. BURCH. Most surely; we expect to connect it up.

Mr. BURKE. That is what I wanted to know.

Mr. BURCH. Certainly; but, gentlemen, you must bear in mind that that is the later form of the proceedings.

Mr. BURKE. I am asking it for information.

Mr. BURCH. Surely.

Mr. BURKE. Do you know who Frank Murphy is? Is he where he can be gotten at?

Mr. BURCH. I do not know.

Mr. BURKE. You do not know?

Mr. BURCH. No; he was a notary public there, and that is all I know about it.

Mr. BURKE. Do you know a man by the name of Charles R. Fairbanks?

Mr. BURCH. I know the Fairbanks family generally, but I do not know him at all.

Mr. BURKE. Would it be possible to find him?

Mr. BURCH. I have no doubt of it—any of them——

Mr. BURKE. I merely want to suggest, Judge, if we are going into one of these cases, as an illustration, it would be very desirable if we could get all the details pertaining to each case.

Mr. BURCH. Gentlemen, if I have time you shall have all you want, but I must have time.

Mr. BURKE. I want to find out if there is any man who would take a girl 14 years of age and pay her money and take a conveyance of land in Minnesota or anywhere else with the idea that he would acquire title, or whether this was done by an agent for Frank Graham.

Mr. BURCH. I can not tell you.

Mr. BURKE. I wish you would find out.

Mr. BURCH. Immediately?

Mr. BURKE. No, no; but during this hearing.

Mr. MONDELL. Is this a sample of many of the cases somewhat similar?

Mr. BURCH. I am told there were 101 minors or something like that out of our 1,100. I say it is a sample.

Mr. MONDELL. Where there were probate proceedings?

Mr. BURCH. Oh, no.

Mr. MONDELL. But transfers of minors' lands?

Mr. BURCH. Yes; I will give you the statistics in a moment. I can give you the statistics now.

Mr. MONDELL. What are they?

Mr. BURCH. One hundred and one suits filed on the ground or the statute that the parties were minors, either male or female.

Mr. HANNA. Are those suits in the State courts or Federal?

Mr. BURCH. Federal courts.

Mr. HANNA. Is not there some language in the Federal courts in the matter of perjury?

Mr. BURCH. I am not aware of any. Seventeen have been settled; that is, by reconveyance of the parties, without suit.

Mr. MONDELL. Is it your understanding you can not prosecute in the Federal courts for a case of perjury?

Mr. BURCH. That is my understanding; that is, unless it is incident or an overt act to the conspiracy.

Mr. STEENERSON. Supposing, Mr. Burch, it should appear that the parents of this girl named their girl who died Isabelle, and that her allotment was this same allotment that is here in question, and it should further appear that that girl died, and that the minister that officiated at the funeral and that another witness, respectable and reliable, appeared at probate court and swore to the truth that that girl did die and that she was really the Isabelle Warren that got this allotment; and it afterwards turned out that the parents of Isabelle Warren, deceased, having her memory dear, concluded to call their older daughter. Susan, Isabelle thereafter, and that is the reason this girl is called Isabelle to-day, and that her original name was Susan. Suppose that should appear, and that the original girl was the real one, and they simply sought to get a quitclaim from this Isabelle to strengthen the probate title which was clouded by another Isabelle Warren being in existence, and suppose that should appear unquestionably, what would become of your case? Would that be a defense?

Mr. BURCH. You put to me a hypothetical question——

Mr. STEENERSON. Certainly.

Mr. BURCH. That is so long and so involved that it would require a considerable length of time to formulate a reply.

The CHAIRMAN. In that event, would there be another allotment around there somewhere?

Mr. BURCH. If this one has not an allotment, she is entitled to one.

Mr. HANNA. In this case this girl is the older; it was the younger that died.

The CHAIRMAN. This is a matter that ought to be discussed in some other way. If there is anything before the committee now, we had better take it up. This is bootless discussion.

Mr. BURKE. I suggest you put the allotment record in this case, in order to complete the record, the same as we did in the other cases.

The CHAIRMAN. Before going to that, Judge Burch, have you indicated to the reporter the order in which you wish those abstracts to appear in our record?

Mr. BURCH. As they were being testified about—I will have to leave that to somebody, as I am going away. I handed them over to the stenographer, and I suppose he marked them. The reporter says he marked them in their order.

The CHAIRMAN. Will Mr. Hinton attend to the production of his record?

Mr. HINTON. That I will read in now, if you will allow it. The allotments appear in family groups.

The CHAIRMAN. You might read it in. It is not a large family, and you might read in the entire family group.

Mr. HINTON. I read the original schedule of allotments, approved by the Secretary of the Interior, February 28, 1901, original allot-

ment No. 1945, marked "Mah-kah-day-wub," under the heading of "Male," "Husband; age in 1889, 56." Do you wish the description of the land of the husband?

Mr. BURKE. That is not necessary, is it?

Mr. HINTON. Lots 2 and 3, section 36, township 141, range 38, 62.40 acres. Original allotment No. 1946, O-gah-a-yah-muh-ge-way-o-say-quay. Under the heading of "Female," "Wife; age in 1889, 52." Description of land: "Lot 5, and the southwest quarter of the northwest quarter of section 19 in township 142, range 37, 78.35." Original allotment No. 1947, Ah-be-tah-wush-kud-oonce, Mrs. Warren, under the heading of "Female," "Daughter, aged in 1889, 18." Description of land: "West half of the southeast quarter of section 19, township 142 north, range 37, 80 acres. Opposite that, in red ink, under the heading of "Remarks," is this: "Wife of No. 2666." Original allotment No. 1948, Shah-bonde. Red-ink note, "Dead." Under the heading of "Female," "Daughter"——

The CHAIRMAN. Does that give the date of that death?

Mr. HINTON. Not here; but I have a copy of a list which shows the date of the deaths of all of the allottees on the reservation, according to the agency records prior to December 5, 1906.

The CHAIRMAN. This particular one; could you give it now?

Mr. HINTON. I think I could find it after I am through with this description.

"Age in 1889, 9 years." Description of land: "South half of the northeast quarter of section 31, township 142, range 37, 80 acres."

Mr. MONDELL. What was the date?

Mr. HINTON. You mean of this schedule?

Mr. MONDELL. No; the date you just gave. You gave the age at a certain date.

Mr. HINTON. Age in 1889; that is the year of the Nelson Act. The census which was prepared by the commissioners appointed under the Nelson Act of January 14, 1889, based this age on that at that time.

"Original allotment 1949, of Isabelle Warren, 'gr. dau.,'" meaning granddaughter, under the heading of "female." Description land: "Lot 4, and the southwest quarter of the northwest quarter of section 6, township 141, range 42, 80.45 acres"; red-ink note under the head of "remarks." "Born August, 1896." That is the original record. Now, I think I have a copy——

Mr. MONDELL. What does that make the total number of allotments of the Warren family?

Mr. HINTON. As indicated here, there are five.

Mr. MONDELL. How many?

Mr. HINTON. Five allotments.

Mr. MONDELL. Well, begin with the first—what is the first, the father?

Mr. HINTON. No; it is husband; put down as husband.

The CHAIRMAN. It means "father."

Mr. HINTON. Daughter, granddaughter; Mrs. Warren is noted here as "daughter."

Mr. MONDELL. There is a husband and a wife and two daughters and a granddaughter, is that it?

Mr. HINTON. There is a husband, a wife, two daughters, and a granddaughter.

Mr. MONDELL. And Isabelle Warren is supposed to be the granddaughter?

Mr. HINTON. Of the husband and the wife mentioned here.

Mr. MONDELL. Of the husband and wife mentioned there?

Mr. HINTON. Yes.

Mr. BURKE. Is that supposed to be this person?

Mr. HINTON. This person.

Mr. MONDELL. Where is the father of Isabelle Warren in your list?

Mr. HINTON. The father is not noted on the record. I ask the committee to look closely at the language. I do not wish to put anything in the record that is not here.

Mr. MONDELL. We do not expect you to.

Mr. HINTON. You ask me where the father is. That may be the question. Opposite "1947," as I ead before, is a red-ink note, "wife of No. 2666." That person is allotted in another part of the book.

Mr. HANNA. That is because they were in a different group; is that it?

Mr. HINTON. Well, 2666; now, there is a family group.

Mr. MONDELL. Who is 2666?

Mr. HINTON. It is Pah——

Mr. MONDELL. But what is the English name?

Mr. HINTON. John Warren. Now, he is noted as "Son," under the head of "Male, age in 1889, 18."

Mr. HANNA. He simply comes in another family group?

Mr. MONDELL. How many Warrens are there there?

Mr. HINTON. None other is mentioned. Mother is mentioned here, "2665, Quay-nib, mother, age 38 in 1889." Opposite John Warren's number is this red ink note, under the head of "Remarks," "Husband of No. 1947."

Mr. MONDELL. Is she the woman you have just referred to on the other page?

Mr. HINTON. 1947; I think that is right. [Referring to the record.] That is right; 1947, under "Husband and wife," but nothing said about "father."

Mr. MONDELL. Is any other Warren with the John Warren on the page your hand is on?

Mr. HINTON. 2666?

Mr. MONDELL. Yes.

Mr. HINTON. No, sir; not in that family group.

Mr. MONDELL. That is John Warren?

Mr. HINTON. That is all there is in that family group, and I do not believe the name Warren occurs in the English column. I do not believe any other name occurs.

Mr. BURKE. Does that record, under No. 1947, the mother who appears to be the mother of Isabelle, show her to be a full-blood?

Mr. HINTON. It shows 1947 to be a full-blood.

Mr. BURKE. Yes?

Mr. HINTON. It does.

Mr. BURKE. And the record of the husband, 1947, who is John Warren, the record shows him to be——

Mr. HINTON. One-half blood. The husband is noted as "1/2." The wife is 4/4. Mrs. Warren is 4/4, and Isabelle 4/4.

Mr. MONDELL. Now, turn to John Warren, the father.

Mr. HINTON. You state "father." I am speaking from the record.

Mr. MONDELL. Well, John Warren is the husband of Mrs. Warren, who is the mother of Isabelle Warren. What does the record show about John Warren.

Mr. HINTON. He is the husband of 1947.

Mr. MONDELL. What does it show as to his degree?

Mr. HINTON. One-half.

The CHAIRMAN. He is right in sticking to his numbers, because he can avoid confusion.

Mr. MONDELL. According to your records he is half-blood, and father of a full-blood daughter?

Mr. HINTON. There is proof on file as to the blood of this girl, and that was verified, and that is the reason why it is noted as 4/4. It is a question of fact to be determined.

The CHAIRMAN. The one who is reported as having died, will you find the date which you promised you would?

Mr. HINTON. I think I have that. This is a copy of the list of the deaths prepared by the office force at the White Earth Agency in Minnesota. No. 1948, Shah-bonde; death is indicated as having occurred May 24, 1905.

Mr. MONDELL. There is no allotment indicated?

Mr. HINTON. For Shah-bonde; yes, sir; here is an allotment, No. 1948.

The CHAIRMAN. Read it into the record.

Mr. HINTON. It has been read.

Mr. BURKE. Read it again. I overlooked that one. I thought you gave a family group of five.

Mr. HINTON. I did.

Mr. BURKE. Husband and wife and two daughters and Isabelle, granddaughter.

Mr. HINTON. Shah-bonde is one of the daughters.

Mr. MONDELL. She was one of the daughters of the original Warren and his wife?

Mr. HINTON. No; she is the daughter of Mah-kah-day-wub.

Mr. MONDELL. That is the original Mrs. Warren, to whose two daughters an allotment was made—the woman whose name you have just read?

Mr. HINTON. What is the question?

Mr. MONDELL. You said there were five in the original group—the man and his wife and two daughters.

Mr. HINTON. And the granddaughter.

Mr. MONDELL. And the granddaughter.

Mr. HINTON. Yes. Now, the man and wife are indicated.

Mr. MONDELL. There were not two granddaughters, were there?

Mr. HINTON. No; there is only one; and there is Mrs. Warren and Shah-bonde, daughters, indicated, the inference being that they are sisters.

Mr. MONDELL. Then, this allottee you are now alluding to is a daughter of the original Mrs. Warren?

Mr. HINTON. No; she is not called Warren; she has no English name.

The CHAIRMAN. If one of you will take Mr. Hinton and fight it out with him, do so; but I think we are getting deeper and deeper

into the mire. Mr. Burke, you go ahead without interruption. Let Mr. Burke have it out with Mr. Hinton.

Mr. BURKE. The girl testified that she had a sister, Susan, and that that sister was dead. Did that deceased child have an allotment?

Mr. HINTON. Not in the family group.

Mr. MONDELL. You say not in the family group?

Mr. HINTON. It is not in the family group.

Mr. MONDELL. That is exactly what I asked you a moment ago in another form.

Mr. HANNA. Mr. Hinton, when were the allotments made to these Indians originally?

Mr. HINTON. You mean when approved by the Secretary of the Interior?

Mr. HANNA. Yes; how far back?

Mr. HINTON. Approved February 28. 1901. That is the time when the allotment is recorded as having been made by the Government, but without the right to make sales, by the act of 1889; and under the treaty of 1867 some selected homes.

Mr. HANNA. According to this girl's testimony, her sister died in 1894, and was two years old at that time. Now, if her parents never applied for an allotment for that child, and the child died, they had no right then at all and the rights died with the child.

Mr. HINTON. Sometimes they made application after the death of the child, and it appears allotments have been made.

Mr. FERRIS. That would be irregular rather than regular.

Mr. HINTON. When the selection of land had been made for the child and the child has died, the Secretary of the Interior has ruled that the party was entitled to it.

Mr. FERRIS. Is entitled to it?

Mr. HINTON. Yes; is entitled to it. He ruled to that effect in the case of Zushotter, at the Lower Brule Indian Reservation of South Dakota, as I recollect.

Mr. FERRIS. How long after the child's death would the Secretary rule that that child would have an allotment?

Mr. HINTON. That was not in the case of a child; it was a case of an adult; but the rule of the department has been that where a selection of land has been made and the party dies before the allotment is completed in the field and approved by the Secretary of the Interior, then the heirs of the person are entitled.

Mr. BURKE. Mr. Hinton, you referred to the roll known as the Hinton roll. Tell us what is shows as to John Warren and what it says as to Isabelle Warren.

Mr. HINTON. I suppose that can be found.

Mr. MONDELL. You seem to have an Isabelle Warren in your list.

Mr. HINTON. Here [indicating] is "Isabelle Warren, 4/4 Indian blood. No. 1949," the same as the other here. I will say to the committee that there are sometimes many Indians of the same name. Take the name Equay-zaince; you will find 12 or 15, perhaps, of the same name, and you identify them by the family group, and the original allotment number by the census rolls and the annuity rolls. The commission, under the Nelson Act, prepared a census of these Indians, and the annuity rolls are based on that census, and the allotment here—the original allotments—are based on that census.

Mr. STEENERSON. Who prepared this book here?

Mr. HINTON. Darwin S. Hall.

Mr. STEENERSON. As Chippewa commissioner?

Mr. HINTON. As Chippewa commissioner. I do not think the original commission finished the allotments, but this was sent to the department by Mr. Hall under date of July 21, 1900; at least, that is the date given.

Mr. BURCH. Are we discharged from the further hearings of this committee, so that the witnesses can return, with the understanding that if anybody wants to interrogate them hereafter they may be brought here within a reasonable length of time; and will the committee carry on further investigation into this matter?

The CHAIRMAN. The record contains more than one statement covering the ground you have just covered. Now, Judge Burch, in view of the death in your family, I am sure the committee sympathizes with you and feels that duty calls you there, and in view of the early adjournment, it is entirely improbable that we will get to this matter again before adjournment. I suppose the committee will take some action with reference to giving you notice when it is up again and giving notice to all of the interested parties named.

Mr. BURCH. On the record I desire to put my duplicate address: Marsden C. Burch, Department of Justice; and 404 Federal Building, Minneapolis, Minn.

Mr. MONDELL. Mr. Chairman, is it your thought that this investigation would develop something in connection with this matter that would indicate the necessity of additional legislation, possibly?

The CHAIRMAN. Well, the Chair has no well-defined opinion, but the Chair is very much inclined to the view that unless something occurs to change it it ought to result in legislation and in the repeal of the so-called Clapp amendment, but that is only an individual expression of view, and it may be modified by further developments.

Mr. MONDELL. The cases are now, as I understand it, in the hands of Judge Burch, with a view to straightening out the titles and bringing to justice those who have defrauded the Indians, if such there be.

The CHAIRMAN. No; only the straightening out of titles. I think Judge Burch has nothing to do with the other matter mentioned, although I may be wrong about that. His statement was confined to the removal of a cloud upon the title of the United States to those lands which were conveyed by Indians under disability. I do not know that he said anything about prosecutions.

Mr. BURCH. We paid no attention to the fraud, for they had no right to convey. That is all there is to it. In other words, we filed a bill upon the ground that a cloud has been created upon the title of the Government by the improvident or illegal action of these parties in making sale.

Mr. SLOAN. It appears in the record that the mother of Isabelle Warren had two Indian names. I thought it would probably be well to recall her and let her give the statement of her mother's names, one in addition to the one already given.

The CHAIRMAN. Is there any objection to the proceeding. [After a pause.] In the absence of objection, it may be done.

Mr. SLOAN. Isabelle Warren, you have stated that your mother had an Indian name. I will now ask you whether or not she has more than one Indian name?

Miss WARREN. My mother has two Indian names. The other name is Nezhoday.

Mr. SLOAN. Now state again the first one that you gave before.

Miss WARREN. It is Ah-be-tah-wash-kud-oonce.

(Thereupon, at 5.05 o'clock p. m., the committee went into executive session, at the conclusion of which an adjournment was taken to meet at the call of the chairman.)

WHITE EARTH RESERVATION

No. 7

HEARINGS

BEFORE THE

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 8, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 501. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Monday, January 8, 1912.

The committee met at 10.30 o'clock a. m., Hon. James M. Graham (chairman) presiding.

The following members of the committee were present: Messrs. Hensley, Hanna, and Mondell.

ADDITIONAL STATEMENT OF MR. M. C. BURCH.

GENTLEMEN: In the first series of hearings upon the White Earth Indian troubles a partial statement was made by me on the showing we expected to make. The beginning of that investigation was, in a measure, sudden and unexpected, and I was well aware that there was much yet to be learned and presented to the committee to effect a clean-up of the whole matter.

Since the cessation of those hearings in August last, information has come to me from many sources and I feel warranted in stating now that, by leave of the committee, we shall be able to present in regular chronological order the most important, and practically all of that series of events which have resulted in the disintegration of that great and valuable Indian reservation and the spoliation of the property rights and effects of a large majority of the several thousand Indians concerned in the ownership thereof. I will therefore proceed as nearly as possible in the same manner as would an attorney in making his opening statement of the facts expected to be proved to a court or jury.

THE FOUR TOWNSHIPS.

Originally this reservation consisted of 36 townships, in a square body containing 796,000 acres. It was so diversified in soil and timber resources, so interspersed with lakes and rivers, and so rich in all its available resources as to constitute one of the finest bodies of land of that extent possible to be found in the United States. The climate of northwestern Minnesota is particularly fine and conducive to good health and long life. The reservation was very closely approached by the main lines of three great railroad systems; it was not far distant from the rich and highly developed agricultural regions of Minnesota, and near by the great and growing cities of St. Paul and Minneapolis. It was ceded to the Indians under the treaty of 1867, and selected by a committee of their number in 1868.

I have heretofore referred to the act of January 14, 1889, commonly known as the Nelson Act, which was passed for the purpose

of collecting the Indians of some 10 different reservations and congregating them upon two reservations, namely, White Earth and Red Lake, at the same time obtaining from them for the United States Government the lands of these various other reservations and so much of the White Earth and Red Lake Reservations as might be spared after allotments in severalty had been granted to these Indians in accordance with the general allotment act of 1887, commonly known as the Dawes Act.

While apparently every safeguard known to legislators at that time was inserted in the Nelson Act for the protection of these Indians, it is plain that the longing eyes of the lumbermen and the land grabbers were early directed to the magnificent timber and fine agricultural lands of these reservations. The Chippewa Indian Commission, appointed to negotiate treaties with the Indians under the Nelson Act, after taking a census of the Indians, reached the conclusion that these four townships would not be needed to provide allotments to the Indians in severalty, and by the terms of the treaties negotiated with the Indians under the terms of the Nelson Act, securing the cession of the four townships. Thus they were to be sold as pine and agricultural lands for the benefit of the Indians. Great difficulty was experienced in carrying out the terms of the Nelson Act in the matter of examining, classifying, and appraising the lands, several parties making the attempt on behalf of the Government and the Indians, but none succeeding to the satisfaction of the authorities, and this led to subsequent legislation in the passage of the act of February 26, 1896, which provided that the Secretary of the Interior, in his discretion, might sell said lands in blocks of 100,000 acres or less.

Moved by applications for the sale of agricultural lands in the immediate vicinity of these four townships for actual settlement, the Minnesota delegation in Congress petitioned the Secretary of the Interior therefor, and, concluding that if the settlers were to be allowed entry into any section it would be as well to sell the pine timber at the same time, lest it should be ruined or appropriated by reason of such settlement without any benefit to the Indians, he decided to sell the entire body of these four townships.

The Secretary therefore ordered the sale of the pine lands at public auction to the highest bidder, the sale to be held at the Crookston land office on November 27, 1900; and further ordered the opening of the agricultural lands under the homstead laws on December 4, 1900, the Indians to receive the proceeds of the sale of the timber lands and agricultural lands—the latter to be sold at the minimum price of $1.25 per acre.

We expect to show that when the sale of the pine lands took place a combination of certain large lumbermen was formed for the purpose of dividing the territory, preventing competitive bidding, and so holding the price down and freezing out the small purchasers. The Nelson Act provided that the pine should be estimated and sold at the minimum price of $3 per thousand. As the result of the conspiracy just referred to, certain lumbermen succeeded, on account of the underestimate of the pine timber and by means of preventing competitive bidding, in securing the pine in the four townships at about $1.60 per thousand on its real measurement.

We expect to show, through persons actually present at the sale, that while a large number of bidders were on hand, ostensibly each an independent purchaser, they were in reality merely dummies acting in the interests of leading concerns in the combination, and that when one bid the others refrained from bidding in competition, except in a few isolated instances where real independent operators sought to make purchases, when at once the bidding became spirited and prices were run up beyond the reach of such independents.

After the sale was over the Secretary of the Interior received advices to the effect that there had been collusion at the sale. He immediately dispatched an inspector to investigate the reports, and the inspector, after making a thorough examination, reported that there had been a combine. The Secretary thereupon issued an order suspending the issuance of patents to all purchasers, but afterwards issued another order to the effect that he would issue patents to any purchaser who would make a showing that he acted in good faith at the sale. All of the purchasers who took part in the Crookston sale thereupon furnished the Secretary with affidavits that there was no combination and that they had attended the sale in good faith and paid a fair price for the lands purchased. Of course, the combination had not been made by the bidders, but by their principals. The Secretary then referred the matter to the Commissioner of the General Land Office, and on the commissioner's recommendation that the Government had, at best, a doubtful case, and that patents should issue, ordered that patents be issued to said purchasers. Photographic copies of the original affidavits on file will be submitted in evidence to the committee.

The interests reported to the Secretary as being in this illegal combination very soon thereafter proceeded to cut and remove the timber from these lands, and many years afterwards deeds from the patentees, who were the purchasers of these interests respectively, were placed of record showing that practically all the timber within certain boundaries fell to one concern, within certain other boundaries to another concern, and within certain other boundaries to still another, just as claimed in reports of combination originally made to the Secretary. We expect to show to the committee plats of these four townships, showing the land which went to each interest, together with our own abstracts of title, verifying the statements made above and showing a clean-cut and well-executed plan for the purchase of the timber lands and a division of the territory among these interests. It will appear that the lumber interests which secured the timber in these four townships are the same that secured the bulk of the timber in the remaining 32 townships of the White Earth Reservation.

THE MORRIS ACT.

The Legislature of Minnesota in 1899 passed an act prohibiting any corporation from owning more than 5,000 acres of land within that State. The result was that in securing lands at the Crookston sale the ostensible buyers, acting in the interest of the real purchasers, who, in the last analysis, were corporate, were used as holding instruments to evade this State law. At the same time, moved thereto by charges of illegal combination at the Crookston sale, Secretary Hitchcock refused to sanction any further sales of timber lands until legis-

lation could be enacted prohibiting the so-called open competitive bidding, and requiring bank scale or measurement of logs instead of tree estimate.

The Morris Act seems to have been framed to cover the points insisted upon by the Secretary, but by some means a joker seems to have been engrafted on the act which provided for the sale of the timber without the land, and the laws of Minnesota were evaded in practical effect by a law of Congress; or, to put it otherwise, the Congress annulled a law of Minnesota, so far as lumber corporations were concerned. This was the act of January 12, 1902, containing a provision under which the large lumber corporations were enabled to purchase vast quantities of pine on the ceded Indian lands from the Government, the Minnesota law intended to be a preventive of such a consummation to the contrary notwithstanding. The effect of this provision was to pave the way also for these lumber corporations to acquire the pine from the White Earth Reservation without buying the lands, and thus, as to that tract of 32 townships, evade the purpose and intent of the State of Minnesota.

LEGISLATION OF 1904.

The Interior Department, including the commission appointed to treat with the Chippewas under the Nelson Act, construed the general allotment, or Dawes Act, of February 7, 1887, to mean that only agricultural or grazing land should be allotted to the Indians, and that the timber land should be sold for the benefit of the tribe as an entity. As late as 1904, the Interior Department canceled allotments for the sole reason that they were pine lands. A rider was put on the Indian appropriation bill, by amendment offered by Senator Clapp, of Minnesota, providing in substance that timber on allotments theretofore made, or that might thereafter be made, might be sold. Now, the timber land theretofore allotted, if any, was inconsequential in extent. This rider was introduced January 13, 1904. On January 12, 1904, Representative Steenerson, of Minnesota, introduced a bill providing for additional allotments under which the timber lands on the White Earth Reservation were allotted. The act containing the rider was approved April 21, 1904, and the Steenerson Act, April 28, 1904. The one legislative measure provided what should be done with the timber when it should fall into the hands of the Indians, and the other provided that the timber should fall into the Indians' hands, and the two were introduced one day apart and became law one week apart.

THE ADDITIONAL ALLOTMENTS UNDER THE STEENERSON ACT.

Under the terms of this Steenerson Act each Indian who had received an allotment on the White Earth Reservation or was entitled thereto should have an additional allotment sufficient to make the original and additional total 160 acres, provided that if there should not be enough land for 160 acres each, the additional allotments should contain only so much land as could be allotted by dividing the total remaining allottable land by the number of eligible allottees.

We expect to show that of this White Earth Reservation there was an area of lake surface aggregating 59,731.24 acres; also that there is

claimed as swamp land going to the State as part of its quota under the organic law of Congress 26,658.15 acres. The allotments additional under the Steenerson Act were made by one Simon Michelet, the White Earth Indian superintendent, or agent, at that time. By omitting the two items of lake land and State swamp land from consideration, he figured that there was sufficient territory practically to furnish each allottee the full 160 acres of land, and thus he proceeded to allot to those who first came to be served the total of 160 acres; of course, including all the valuable pine upon the reservation.

We expect to show that those who were thus favored by these complete additional allotments were largely composed of persons who could be handled in the matter of purchase of the timber by the representatives of the lumber companies that had procured the greater portion of the timber in the four townships. Large numbers of persons eligible to additional allotments, but who came later, were denied the same because there was no land left for them, there being 31,516.88 acres lacking. It will thus be seen that the so-called additional allotment under Michelet was a fraud upon the rights of from 400 to 500 Indians who were absolutely left out in the cold. In addition to this, it would seem that the allotments made included the 59,000 odd acres of lake land, thus increasing the fraud upon those who were not favored with pine in these additional allotments. The allotment was, of course, in direct violation of the Steenerson Act itself. It is a matter of question whether those who had knowledge of and partictipated in the benefits arising from these illegal allotments can not be yet reached by a court of equity and they compelled to account for their misdeeds.

We expect to show that the full bloods and bona fide Minnesota Indians were the ones most made to suffer from this series of illegal transactions, and that, having made bitter complaints to the Indian Bureau, a special agent named Downs was sent to White Earth: that he made a careful investigation and a full report, basing the same upon the unequal and unfair manner of the allotment and recommending that the whole affair be set aside. The Secretary of the Interior accordingly issued an order setting the allotments aside. Thereupon, it is claimed, Gus H. Beaulieu, Benjamin Fairbanks, and John Leecy, acting with certain of the Indians of the reservation, petitioned for a confirmation of the allotment, or, rather, that an agent be sent there to ascertain the wishes of a majority of the reservation people. This petition was forwarded by Senator Clapp to the Indian Bureau, accompained by a letter, and it resulted in the sending of another agent, named McLaughlin. Remembering that the scope of the petition did not cover the question of fraud or unequal distribution of the land, but was to obtain the wishes of the majority of the people, the action of this last agent was significant. The people aggrieved, as was their custom, sent to meet McLaughlin the principal chief of the Minnesota Indians, White Cloud, who was also a missionary of the protestant Episcopal Church and who bore the English name of Rev. Charles Wright.

With Mr. Wright there were four or five other leading Indians on the reservation. Quite a large number of the followers of Beaulieu, Fairbanks, and Leecy were present, outnumbering the mere representatives of the others many times. McLaughlin, in holding the consultation, which was in no sense a council, seemed disposed to

put the question to a vote as to whether the Indians were satisfied with the allotment or not. When his purpose became manifest the representative men, thus numbering only a handful, begged for time to send out runners and bring in the people of the reservation to participate in the vote, which McLaughlin arbitrarily refused, and thus those who complained were vastly outvoted and practically subjected to the same treatment visited in old times by snap judgment in a packed caucus. In the report made by this man, which we expect to offer in evidence, it was stated that some 50 or 60 full bloods were present and voted in favor of allowing the allotments to stand, whereas, in connection with said report, we expect to show by Rev. Mr. Wright and others present that there were not more than five or six of those who complained of the injustice of the allotment who were present in fact.

Upon McLaughlin's report that the allotments should be permitted to stand, it was so directed by the department, and we expect to further prove that when Mr. Wright came to Washington to represent the cause of those who had thus been defrauded and then overreached, the report of Mr. McLaughlin having preceded him, he was unable, although he was the leading chief of all the Chippewas of Minnesota, to obtain any satisfaction at the hands of the Commissioner of Indian Affairs, and was denied an audience with the President, notwithstanding the fact that he brought letters of introduction from Senator Nelson and Gov. John A. Johnson, of Minnesota. Disheartened, Mr. Wright returned home, and thus the nefarious schemes of the lumber interests were ratified and confirmed by those who represented officially the Government of the United States.

FIRST GRAB FOR THE PINE.

Soon after the beginning of the new year of 1905 one Fred Herrick, of Lac du Flambeau, Wis., largely connected with the Stearns Lumber Co., of Wisconsin, and himself reputed to be a man of great wealth, made an application to the Commissioner of Indian Affairs to purchase the pine timber on the White Earth Reservation and establish a sawmill and other lumbering outfit for its manufacture.

Almost immediately the Nichols-Chisolm Lumber Co., of Minnesota, which had been the largest purchaser in the four townships, filed a like request. These were referred to one J. R. Farr, a logging agent of the Indian Bureau, who recommended that the timber be sold to the highest and best bidder. Samuel B. Davis, with certain assistants, a man almost wholly inexperienced in that respect, was dispatched to the reservation to estimate the timber supposed to be standing thereon. This estimate, which apparently was little better than a guess, showed a great deal more hard wood than there was and very, very much less pine than there was. The Indian Bureau then prepared rules and regulations for the cutting and manufacture of the timber and machinery for the bidding and sale of the same. After the estimates of Davis had been published and notice given for the reception of bids, a new estimate was made showing a great deal more pine and far less hard wood than the earlier estimate. But the sale was proceeded with, or, rather, the reception of bids for the same, the latter estimate being considered not to alter the situation, as each kind of timber was to be paid for according to the amount thereof actually cut.

There were nine bids submitted by eight bidders. When these were opened it was found that the highest actual bidder was Herrick. The highest apparent bidder under the misconception of the amount of pine and hardwood, relatively, was the Lyman-Irwin Lumber Co., a Minnesota concern. The Nichols-Chisolm Lumber Co. had been a bidder, but was outbid on the basis of any just estimate of the pine, by Herrick, and on any such basis as that of the Davis estimate, which overstated the hardwood and understated the pine, by the Lyman-Irwin Lumber Co., and was thus altogether out in the cold. These bids and the report of Farr thereon will be furnished in evidence.

Immediately after the result became known, the agents of Nichols-Chisolm Lumber Co. got busy, and we shall show that, led by Beaulieu, Fairbanks, and others, a small clique of the Indians not representative in character or method, violently protested against the sale by various means which will be duly explained to the committee by documentary evidence and oral testimony. These protests were duly placed in the hands of Senator Clapp and by him transmitted to the Commissioner of Indian Affairs, with the result that all bids were rejected by the Secretary of the Interior and the field was again clear.

THE SECOND GRAB.

This was more successful. The complaining Indians had been driven off, the intruding bidders for the pine, from Wisconsin, had been disposed of as factors in the great movement for the White Earth lands, and the question now was how to do it. The Sioux Railway system had pushed its line to Winnipeg from the Twin Cities right through the reservation from south to north. Half a dozen hamlets had been started on the reservation along this line. A new county was created out of the reservation itself, with a few more white inhabitants than were sufficient to hold the county offices. A new set of actors had joined the army of land and timber grabbers, and they were looking after the agricultural lands, and the question was how to divest the Indian of his allotment of pine as well as his agricultural land. The Beaulieu-Fairbanks idea will be shown to have been that a commission of men to be composed of the Indian agent, this same Simon Michelet, an Indian missionary, and an Indian, should be appointed to determine whether parties applying to the Secretary of the Interior for permits to sell their land because of being competent to do business, were really competent or not.

No sooner was this plan known than charges began to be made and published that the proposed commission was to constitute a great toll-collecting scheme of the parties advocating the measure, and a furious opposition was engendered. Later it was proposed to amend this proposition by placing on the commission a State district judge instead of the Indian missionary. The opposition still continued, when finally a representative of the agricultural land seekers proposed a new scheme, and this took form in a rider upon the Indian appropriation bill for 1906, commonly known as the Clapp amendment. This so-called amendment really embodied both ideas, as in one paragraph it provided that any Indian being declared competent by the Secretary of the Interior should be freed from restraint in the alienation of his allotments, and, further, that

all adult Indians of the mixed blood should be likewise freed from restraint and entitled to hold their allotments as in fee simple, which allotments should be subject to taxation and for which the allottees might have patents in fee simple issued to them by the Secretary of the Interior upon application therefor. An explanation of the manner in which this legislation was secured to be passed will be furnished to the committee as coming from a representative in Congress from Minnesota. This legislation was enlarged in scope and effect in another rider to the Indian appropriation bill of 1907.

While it appeared on the face of it that the Indians to whom pine had been allotted were free to sell their timber to whomsoever they wished, we nevertheless expect to show that within certain well-defined boundaries no one could purchase pine in commercial quantities with the exception of the Nichols-Chisolm Lumber Co.; that within other certain well-defined boundaries no one could purchase commercial quantities of timber with the exception of the Wild Rice Lumber Co., and that within still other well-defined boundaries no one could purchase commercial quantities of timber except the Park Rapids Lumber Co. We also expect to show that a large portion of the best agricultural lands had been tied up by the land speculators on and near the reservation by means of mortgages secured from the Indians prior to and in anticipation of the passage of the so-called Clapp amendment. These speculators paid each Indian $25, or some small sum, had him sign a mortgage which recited a consideration, generally of $300, and a promise to pay the remaining $275 upon the passage of the so-called Clapp amendment, and recorded the mortgage.

No machinery for carrying into effect the Clapp amendment was provided therein, and thus it remained to be determined who were and who were not adults of the mixed blood and freed from restraint as to alienation. The result was that designing persons rushed in and obtained deeds and mortgages indiscriminately; that is, from children of the mixed blood and adults of the full-blood the same as adults of the mixed blood. In all of these they were accustomed to recite the competency of the Indian, and attached to the deed in each case they usually secured what purported to be the affidavit of two persons that the allottee was an adult Indian of the mixed blood, which affidavits were ordinarily passed with the deed in making mesne conveyances or in recording in the proper county recording office. In connection with these transactions we shall be able to demonstrate to the committee that every variety of fraudulent schemes and devices which would occur naturally to acute minds was resorted to to defraud the Indians. The taking of these deeds in violation of law from minors of the mixed blood and from full-bloods eventuated in the action of the Government in requiring the Department of Justice to file about 1,200 bills in equity to remove the clouds from the titles to lands thus unlawfully obtained.

THE SATURNALIA.

Following upon the sudden acquirement of money by persons in some respects less fitted to handle the same and make proper use of it than white children of tender years, there came a condition of affairs which we expect to demonstrate to the committee as most

deplorable and shameful, a stain upon the fair fame of a great and enlightened State. Saloons ran wide open. Cheap and tawdry articles were sold at extravagant prices. The Indians were overreached, and the money they had obtained from selling or mortgaging their lands or timber was coaxed from them in exchange for objects of little or no value, but of supposed utility—such as decrepit horses, defective vehicles, unmanageable sewing machines, and even pianos of little worth. A perfect frenzy of drunkenness characterized many who took their way to the neighboring town of Detroit and camped in its vicinity, and practically the same conditions occurred in the hamlets along the Sioux Road. The land shark, passing under the more dignified title of real-estate agent, was everywhere in evidence, and the money-loaning shark, posing under the more dignified business appellation of banker, was engaged in overreaching the Indians right and left.

We shall show that this condition did not pass unnoticed; that some of the more fearless and outspoken newspapers of Minnesota placed it in detail before the public, assailing these conditions vigorously; that it was brought to the attention of the Interior Department; that Indian Agent Michelet was called upon for a report concerning it; and practically in such report whitewashed the whole matter; and that no less a personage than the Assistant Secretary of the Interior was quoted in a Minnesota daily by its Washington correspondent as having said in substance and effect that he could not see how such a condition could be avoided with such a law upon the statute book, all of which will be shown to the committee.

THE SWITCHING OF ALLOTMENTS.

As one of the devices for fraud and deceit and wrong toward the Government, but more especially toward the Indians who had been deprived of any allotment, a system of switching allotments was permitted by the Indian agent, Michelet, and finally, to some extent, confirmed apparently by the action of the Indian Bureau, but this last probably because of a want of understanding of the situation. It occurred substantially in this way: Indians would be allotted land. Oftentimes, if examined at all, it would be found to be of little value. They would sell it cheap to the grafters, of course, as they understood it, parting title with the land originally assigned to them, or rather, agreeing to. The purchaser would then, by procuring the description to be switched, obtain a more valuable or, at least, desirable description to be substituted, for which the ignorant allottee would execute a deed to his cunning purchaser. A large amount of this nefarious work, which we believe to have been wholly illegal in character, was done, and it is difficult to understand how such changes could have been made while Indians perfectly eligible thereto were denied allotments for want of land to allot. It is altogether likely that eventually all these Indians who were defrauded by the failure to secure allotments, as well as by the switching process practiced by the allotting agent, will knock at the doors of Congress for recompense for the wrong practiced upon them in that regard. Their several claims will furnish the groundwork for hundreds, if not thousands, of applications for relief, and Congress may be importuned for some sort of commission or other machinery

to adjudicate their claims. Even their principal chief, the Rev. Charles Wright, or White Cloud, has never been able to secure an additional allotment because he was unable to be present at the time the same occurred, while a minor child, charged with having no Indian blood whatever in her veins, is alleged to have been the first allottee, and to have been assigned an allotment, which was purchased from her at the enormous sum, relatively speaking, of $19,000. These probable calls for future expenditure of money would seem to furnish an ample scope for inquiry at the hands of this honorable committee.

THE ACTION OF MOOREHEAD AND LINNEN.

From the close of 1906 or 1907, when isolated transactions were going on, but the fiercest of the fraud and debauchery had subsided, till the summer of 1909 a condition like that of the quiet which succeeds a prolonged intoxication occurred. The Indians had mainly, in one form or another, parted with their heritage and, in most instances, had suffered severely from its result. Poverty, sickness, a sense of mortification and loss at the hands of the white man pervaded their minds and depressed their spirits. The pine again, as in the case of the four townships, by clean-cut lines of apparent division had shown up in the ownership and possession as to certain territory (and this the largest and most valuable part) of the Nichols-Chisolm Lumber Co.--pine reputed in extent to be of the amount of 150,000,000 feet.

Pine in another clean-cut and well-defined territory, reputed to amount to about 50,000,000 feet, was found to be in the possession and under the control of the Park Rapids Lumber Co; and in still another section, equally well defined in its boundary line, a reputed 50,000,000 feet was controlled by the Wild Rice Lumber Co. Likewise the best of the agricultural lands had fallen into the hands of, or under the control of, the so-called bankers at the hamlets before mentioned and certain men of greath wealth and influence resident in the city of Duluth, as well as in St. Paul and Minneapolis. In the summer of 1909 a New England professor stopped off the train at Detroit, Minn., and there became aware of the beastly condition of debauchery and intoxication to which some of the belated Indians had been reduced. His name was Warren K. Moorehead, and his residence Andover, Mass.

Shocked by the conditions which confronted him and subsequently going upon and over the reservation, and thereby being provoked to righteous indignation by the conditions he discovered, he sacrificed temporarily his interest in scientific investigation and came to Washington, where he knocked at the doors of the Indian Bureau with great energy and found his way, it is claimed, to the White House, and in each instance was received cordially. He was at once appointed a special inspector for the Indian Bureau, and there was also assigned to the work E. B. Linnen, Indian inspector for the Secretary of the Interior, and both were dispatched to the White Earth Reservation; and, with a retinue of stenographers, interpreters, and other assistants, spent many weeks in a tedious, but thorough, investigation of the whole matter. The testimony of these gentlemen and their reports, filed at the time as the result of their labors, will be placed before the committee and will form, as will be demonstrated, the

basis for the combined action of the Departments of Interior and Justice to make a clean-up of the whole matter. Such testimony and reports will be a demonstration in and of themselves.

THE GRIEVANCES OF THE REAL MINNESOTA INDIANS.

As stated by them, the grievances of the real Indians of Minnesota are very great, and have been borne by them with a patience and long-suffering kindness remarkable in a people not yet supposed to be imbued with the spirit of Christian fortitude akin to martyrdom as the white man of high intelligence is supposed to be.

Stated in brief, they claim that whereas they and their fathers, the Indians within the boundary lines of the State of Minnesota, originally owning and possessing all the lands, rights, and benefits belonging to the Minnesota Chippewa Tribes, have been intruded upon by Chippewa and other Indians of other States, and people having no Indian blood whatever, through the baneful influence of persons who first came into their boundaries as traders and employees of trading companies; that they have been gradually overpowered and overburdened and outnumbered by such intruders, and thereby deprived of their lands, their tribal funds, their tribal rights, their voice in Indian council, and many other things dear to and properly belonging to themselves only.

Authentic histories of the Minnesota Indians inform us that the instinct of this race for preservation of its national integrity predisposed it to hostility toward the whites. This inborn feeling was increased by the enormous prices charged by the traders for goods, by their debauching of their women, and the sale of liquors which were attended by drunken brawls, often resulting fatally to the participants. The hostility arising from these causes was but trivial in comparison with that which arose out of the sale of their lands and the treaties connected therewith. The traders, knowing for years in advance that the whites would purchase the Indian lands, sold the Indians goods on credit, expecting to realize their pay from the consideration paid by the Government. They thus became the interested instruments in obtaining the consent of the Indians to the treaties, and the concurrence of the Indians was obtained largely by refusing to give them further credit and by representing to them that they would receive an immense amount of money if they sold their lands, and would thenceforth live at ease, with plenty to eat and wear. After the treaties were agreed to the traders appropriated the Indians' annuities by procuring the payment thereof to themselves. Claims for depredations upon white settlers were also deducted. These claims were always, when based on fact, double the actual loss, and the "expenses" of obtaining the allowance of a claim always entered into the amount demanded and received.

In the spring of 1862 Chief Hole-in-the-Day visited Washington to expose their grievances, but an audience was so long delayed by those in authority that he returned to Minnesota in disgust and advised his people to join with the Sioux Indians in the massacre of the white settlers. This was prevented only by the hereditary enmity of the Chippewas toward the Sioux and by the promises made by United States Senator Rice and other whites who had influence with them. A solemn treaty was entered into wherein the Govern-

ment promised to investigate and redress their wrongs. The redress, however, has never come. In 1868 Chief Hole-in-the-Day was murdered in cold blood by the agents of the persons interested in plundering his people, and for a considerable time, it is claimed, the Indians were so terrorized by that circumstance which they and their children mention almost in whispers to this day that these intruders had little opposition in padding the roll by inserting thereon the names of whomsover they desired to make use of.

In Wisconsin, Michigan, and, it is said, elsewhere Indians had secured rights and benefits as members of the tribes in those States and had parted with their rights. They, having nothing more to gain, like many white people, turned their footsteps westward toward a land in the State of Minnesota where there was more freedom of movement and a new opportunity to enjoy annuities, allotments, and tribal privileges at the hands of the Government. It is claimed that there is but one regular method whereby Indians, according to Chippewa custom, could be properly placed upon the roll and become members of the tribe by adoption, namely, that at a general council of the tribes regularly called and constituted as such the name of the proposed candidate might be considered and by a vote of at least a majority of those assembled and rightfully participating therein, the candidate should be formally and solemnly adopted into the tribe. It will be seen that the property held in common as it then was by this tribe, if it had been held by a community of white citizens as common property, could not have been enjoyed by any outsider without the consent of every party in interest. These Indians owned their reservations, many in number and large in aggregate extent.

They parted with them only by treaties with the United States and for considerations agreed upon between the Government commissioners and themselves. It would be the height of wrong and injustice, both legally and morally, to bring in informally, without the consent of all persons interested, and install as members of the tribe, entitled to equal benefits and advantages, persons who had immigrated to that country and were making it merely their habitat. It is claimed that a large number of devices for obtaining places on the roll were adopted by these designing intruders. One of the most noted of these we expect to show was the following:

One White Cloud, the father of Rev. Charles Wright, became strongly addicted to the use of intoxicants. He was the principal chief of all the Minnesota Indians. It will be shown that the designing leaders of the intruding parties were accustomed to furnish him and lead him to drink to excess strong liquors. After he became intoxicated they would present candidates for adoption, induce him to go through some form of ceremony in his maudlin condition and in the presence of witnesses furnished for the purpose. They would then have him place the names of the parties so pretended to be adopted upon the rolls of the tribe. We believe that we shall be able to present to the committee persons who will testify to having been eyewitnesses of these nefarious proceedings.

In such manner it is not strange that the Indians who had real right were overawed, intimidated, and practically silenced for a considerable period, while the process of their spoliation was going on.

Another important factor working against the Minnesotas and in favor of the intruders was the commission commonly called the Chip-

pewa Commission under the Nelson Act of 1889. By the terms of this act a commission was to be appointed to treat with the Indians and secure the assent of two-thirds of the different tribes or bands of Minnesota before the law could become operative, and, as a mere means of making fairly sure that they had this assent, they were to make a census or list of the Indians. Under these circumstances, of course, the intruders were as active and as much present as the real Minnesota Indians.

In fact, it would appear that they were more so, and since the question of their relative rights in no wise concerned the commission, which was mainly intrusted and charged with the duty of making a treaty and securing the assent of the Minnesota Chippewas to this law and to the cession of lands to the United States and of the counter-considerations to be given by the United States therefor, there was no definite determination by such treaty or by such commission of the rights of any of these Indians who so participated as among themselves, but ever since it has been stoutly claimed by the intruders that this census and this action of the commission insured their status as members of the Minnesota tribes and entitled them and their descendants to equal rights and benefits with the real Indians of Minnesota.

This they still claim, and it will be shown to the committee that this question is one fraught with great interest, both to the Indians themselves and to the Government of the United States, because if in a direct proceeding of some nature to determine definitely and for all time who are Indians of Minnesota and who are not, it should be determined as a legal proposition that large numbers of those who have been receiving allotments and participating in annuities were not entitled thereto, and that by such misadministration by the United States as guardian of the tribes, the Indians of Minnesota have been damaged and deprived of lands and moneys which rightfully belonged to them, it may be fairly assumed that they might equitably call upon their guardian to make good the loss. Such an inquiry, to say the least, being necessary upon the part of the Department of the Interior, and having already been begun by initiatory steps of the Secretary and the Indian Commissioner, must therefore involve expenditures in the Department of the Interior, which are a proper subject for consideration by this honorable committee.

From that which has been recited heretofore in this statement connected with what we have now to say and which we expect to prove, we design that the committee should infer that the acquirement of the timber and of the best agricultural land, and the practical spoliation of a large portion of the last stand or abiding place of the Chippewa Indians of Minnesota, has been largely accomplished through these same baneful influences, who have thus, as intruders among the Indians of Minnesota, made themselves practical rulers and controllers of the means for such spoliation at every important juncture. We expect to show that it is these influences, acting under direct pay of one of these lumber companies and regularly drawing salaries from its pay roll, that have influenced and controlled the course of events since 1904.

We will show that when the proposition was made and the law passed in 1897 for the sale of the dead and down timber and it was required that contracts should be given only to Indians these same

influences were at work as contractors doing the cutting and logging and dealing with the heavy lumber interests; that later, when Herrick made his proposition to buy the timber on the reservation contained in the 32 townships, and that, at the secret bidding, the Nichols-Chisolm Lumber Co. was outbid at one end by Herrick and at the other by the Lyman-Irwin Lumber Co., it was these paid agencies and influences that got busy, drummed up a few henchmen, who were their close and subservient adherents, and made a showing to a Senator from Minnesota that must have deceived him into the belief that the whole tribe was in arms against the best bid made in the Indian interest by several hundred thousand dollars, as will appear from the report of an official who gave the matter careful and expert investigation, and thus defeated the best interests of the Indians for their employers by deceiving the Interior Department here in Washington; that it was these parties who were later active in securing the affirmance of the unfair and fraudulent allotment by the Indian agent, Michelet; that it was the same parties who became active in the attempt, by legislation, to procure a commission to decide upon the competency of the Indians to be emancipated from restraint in the sale of their allotments; and that it was the same influences that after the passage of the Clapp amendment was found to have secured the largest share of the timber upon this reservation for their employers of the lumbering interests, and the agricultural lands for the parties hereinbefore described.

THE EXPENDITURE OF CHIPPEWA FUNDS.

Another serious grievance affecting the real Indians of Minnesota and, if they should be held entitled to any consideration, the intruders as well is the expenditure of large sums of their money in practically wasted efforts in the handling of their interests in times past by the Government. The origin of these troubles dates back to 1889, when the Government sent three commissioners to obtain from the Chippewas a cession of their valuable reservations covered with forests of magnificent pine. The Indians at first were unwilling to make a treaty. They were afraid of being deceived, and it was only after considerable effort and some strategy that the required number of Indians signed. They knew that the reservations and the pine forests, worth millions of dollars, were all that they had, and for years they had ample evidence of the broken promises of the white man. Knowing that the whites attached great importance to an oath, the Indians required the commissioners to swear with uplifted hands and by kissing the Bible that all the promises made in the treaties would be kept.

The first result of the treaties of 1889 was the saddling upon the Chippewas of an allotting commission of three members and a large retinue of subordinates. The expense of this commission was $88 a day, and the work that the commission and its subordinates accomplished could doubtless have easily been done by an allotting clerk at $1,000 a year. Besides this commission many other white officials were sent to the reservations, ostensibly to supervise the cutting of the timber and on many other pretexts, for all of which the Indians had to pay. A corp of estimators, each drawing $6 a day of the

Indians' money, was appointed to estimate the pine on the Red Lake Reservation. Fraud having been discovered in making this estimate, a new corps of estimators, numbering about 26, was appointed to do the work over again. Each of the new corps also received $6 per day of the Indians' money.

The new corps proved to be grossly incompetent. They were always well supplied with whisky and drank heavily. They spent most of their time in towns 15 or 20 miles distant from the pine they were sent to estimate. Some of the interlopers were members of this corps of examiners, and, though they absented themselves for long periods of time, they still drew their pay. It has been asserted that the total cost to the Indians of these two corps of estimators was $350,000 and that the real value of their work was about $6,000; that in many cases the pine had been underestimated in the interest of the purchasers. The second corps of estimators were likewise discharged and a third corps appointed to go over the work previously done. Like the celebrated case of Jarndice *v.* Jarndice, it seems that after all the proceedings were over, although the pine alone on the reservations, exclusive of that on the White Earth Reservation, was supposed to be worth from $25,000,000 to $50,000,000, there would be little or nothing left but heirs. Although an Indian entitled to a share of the immense value of these lands and forests might be starving to death, he could not procure 2 cents from his great wealth to buy a pound of flour.

While the proceeds from the sale of the pine was thus being squandered, the Indians were also being defrauded by the loggers and lumbermen who were purchasing the timber. By the conspiracy at the Crookston sale in 1900 the Indians doubtless lost several hundred thousand dollars, and by the fraudulent operations under the so-called "dead and down" act they lost even a greater sum.

Another source of complaint on the part of the real Indians of Minnesota is the payment of annuities to persons whom the Indians contend are not members of their tribe, and whose names are not properly upon the tribal rolls, and who consequently had no rights thereto.

THE TRAGEDY OF 1898.

Another grievance of which the real Indians bitterly complain and which was the immediate cause of the outbreak of the Pillagers in 1898, resulting in the killing of a major and six soldiers of the United States Army, and the wounding of many others, was the conduct of certain mixed-blood deputy marshals, several of whom it is claimed by the Indians were persons who had improperly been placed upon their tribal rolls. These deputy marshals originated and developed, as we shall expect to show, a system of arresting and transporting to St. Paul, Duluth, and Detroit various members of the tribe, charging them either with bringing whisky upon the reservation or with some other like offense. We expect to show that the purpose of these mixed-blood deputy marshals was to secure fees for making such arrests and for bringing other Indians to the said cities as witnesses against the Indians accused. The practice continued for some years, until finally, as we expect to show, a mem-

ber of the Pillager Band was arrested in this manner and taken to Duluth. He was left at Duluth without money to buy food or to buy transportation home, and compelled to walk back to the reservation, a distance of more than 200 miles. When he arrived at the reservation he was nearly dead from exposure and starvation.

We expect to show that when the next attempt was made by a half-breed marshal to transport an Indian on a trumped-up charge the Pillager Band assembled and after holding a council, in which they went over in detail their long list of grievances, including the squandering of their funds, the stealing of their pine under the "dead-and-down" act, and the logging operations of the half-breed intruders, they rescued the arrested Indian from the hands of the half-breed deputy marshal. Word was immediately sent out that there had been an uprising of the Indians, and Federal troops were dispatched to Leach Lake. A pitched battle between the troops and the Indians ensued, in which Maj. Wilkinson and 6 soldiers were killed and about 12 other soldiers badly wounded.

As descriptive of the mental attitude of these Indians, we quote from an address of the Rev. J. A. Gilfillan, a former Episcopal missionary among the Minnesota Chippewas, delivered before the Mohonk conference shortly after the outbreak and printed in the records of the Committee on Indian Affairs of the House of Representatives:

> No wonder that the poor Bear Islanders, not knowing where to strike, struck at last wildly and blindly. But they struck no woman nor child, nor man without arms; to their nobility be it said that as men they sought men and heroes with arms in their hands. This is always the way the Indian does: He bears till he can bear no longer. He has no newspapers nor organ by which to make known what is being done to him; he does not speak our language, has no powerful organization of friends to champion his cause, and at last he does the only thing he thinks he can do—strikes a despairing blow.

In conclusion, we desire to further quote, from page 51 of Senate Document No. 70, Fifty-fifth Congress, third session, a portion of the report of special agents of the General Land Office (Park and Schwartz), as follows:

> The poor old chiefs are prone to linger over many of their past grievances and do not look to see that their sleek advisers earn a livelihood by instigating them to violence, defending them in court, pleading their pardon after conviction, and going to Washington with them as interpreters or attorneys. These Indians need a strong and impartial hand to guide their destiny and save them from annihilation. They need a man who will defend them from their enemies and preserve them from their alleged friends.

A TWO-EDGED FRAUD—THE MILLE LAC CASE.

An instance of the manner in which the Minnesota Indians have been made the instruments or causes for defrauding the Government through Congress, in the interests of attorneys and these same parties who have been so often suggested, is the Mille Lac Indian case. An appropriation of $40,000 was secured through an act of Congress ostensibly for the relief of the Mille Lac Indians as a payment for certain alleged improvements made by them upon the Mille Lac Reservation. The matter came up this way:

"In 1854 the Mille Lac Band ceded their reservation to the Government. In 1862, when Chief Hole-in-the-Day advised a combination with the Sioux for an uprising against the Government, these Indians

refused to participate on account of their ancient enmity with the Sioux. To reward them for their loyalty the President promised them they might still remain on their reservation as long as they did not interfere with the whites.

Under the Nelson Act, in the treaty of 1889, they ceded this privilege of occupancy to the Government, but some portions of them refused to remove to White Earth, claiming that they had never really ceded anything to the Government. As an inducement for these parties to leave Congress was persuaded to appropriate $40.000, or so much thereof as might be necessary for the purpose, to pay these parties for the improvements they had made during their occupancy of the reservation. (32 Stat. L., 268.) Michelet and this same McLaughlin went over for the Government to investigate and appraise the improvements, and found practically none—nothing but the charred remains of some Indian tepees; but to eat up, that is, to cover the entire $40,000, these charred remains were appraised at the original cost of the tepees, and items were inserted in the list of improvements, such as the profit an Indian would make gathering wild rice for a year, for gathering wild honey for a like period, and other like items. Now, the real disposition of the money seems to have been as follows:

First, $4,000 was paid to Gus H. Beaulieu for attorney's fees, $2,500 was paid to D. B. Henderson as attorney's fees, and $1,500 to D. B. Henderson for expenses. Four chiefs received $1,000 each. About $17,000 was then prorated among the Indians; $10,020 then remained in the hands of Gus H. Beaulieu.

It then became necessary for the Mille Lac Indians to employ another set of attorneys to sue Beaulieu for the $10,020. After considerable expensive litigation Beaulieu deposited $5,600 to the credit of the Mille Lac Band in the Merchants National Bank of St. Cloud, Minn., and paid $1,000 to the Indians' attorneys.

The traders in the vicinity of the Mille Lac Reservation then commenced suit for the money so deposited, claiming that the individual members of the band owed them money for goods. Again a compromise was effected with the result that a portion of the $5,600 was turned over to Agent Michelet for distribution. There is now about $208 waiting for the claimants.

We think this is indicative of the way in which Congress has contributed innocently from the public funds to the support and enrichment of a few persons of little or no merit, by a species of pretense of recompensing the Indians who, in the end, have slight participation in the generous provisions so by Congress made.

THE COMBINED EFFORTS OF DEPARTMENTS OF INTERIOR AND JUSTICE OF REMEDIAL CHARACTER.

Early in the year 1909 the matter of investigating and taking action, civil and criminal, upon the basis of the Linnen and Moorhead reports was placed in the Department of Justice by the Department of the Interior. A combined force of the two departments was organized and began operations within a month or two of that time. Much has heretofore been said respecting this work and the expenditures of the Department of the Interior connected therewith—matters we conceive to be legitimate subjects for inves-

tigation by your committee. A most thorough inspection of this work and of these expenditures is invited.

During the winter and spring of 1911 the newspapers, having an interest in this work, began to make it plain that influences had been set in motion to discredit not only certain members of this force, but, in fact, the entire of its personnel. It was announced that a committee or subcommittee of a committee of the House of Representatives was to be sent to Minnesota for this purpose, practically, and by hint, innuendo, and other means it was made plain that certain of the force were to be accused of corruption in connection with the discharge of their duties. As soon as authentic information could be obtained active measures were taken to ascertain whether there was any foundation for the statements that such a plan had been entered upon, and it was found that there was a large degree of truth in the claim that such an attempt would be made by concerted action among many of those whom it had been found necessary to pursue directly or indirectly in these remedial proceedings.

We expect to show the committee the source of this combination to defeat the ends of justice by bringing worthy Government officials into discredit, the manner in which the false charges were to be made and the nature thereof, and the persons who were to furnish the material therefor and the nature of the same, and, further, to show the committee that such proposed action was devised for the purpose of protecting the parties interested from pursuit by the Government through its regular legal channels.

LEGISLATION AFFECTING THE WHITE EARTH MATTERS, PENDING AND PROPOSED.

Almost immediately after it became known that suits in equity would be commenced by the Department of Justice for the purpose of removing clouds from the title of the Government to lands that had been unlawfully alienated by minors of the mixed-blood and full-blood Indians, these being the interdicted classes, a proposal was made by Gus H. Beaulieu to have a commission appointed by an act of Congress to prepare a roll of the Indians showing their blood status and ages. As this was a plain method for doing away with the attempt of the Government to reclaim these lands, by having the commission find the very facts which the Government was seeking to have the courts find, and as the commission could practically forestall all attempts made to reclaim these lands by and through the efforts of the officers of the two departments, protests were made to the passage of this bill, when introduced, by both the Secretary of the Interior and the Attorney General, with the effect that it was for the time being dropped.

Thereupon a roll was prepared by a skilled and experienced official of the Indian Bureau, answering for all practical purposes the preliminary needs of the Interior Department in its administration until the judgment of the courts could be obtained by and through the equity suit in each particular instance. This roll, having been adopted by the Secretary of the Interior, was published and widely circulated among the Indians and all parties interested and, as might have been expected, met with strong opposition and vehement denunciation by those interested in defeating the equity suits and

unjustly and unlawfully holding the lands which they had acquired from these interdicted classes.

Late in the last session of the last Congress a new bill was introduced for the same purpose, which, however, was later withdrawn.

Another bill introduced during the same session in the House of Representatives was for the purpose of protecting so-called innocent purchasers, and of this we shall ask a very careful inspection by this committee for the purpose of determining whether or not such a bill is wise and just and whether the expenditures of moneys from the Interior Department for expenses in carrying out its terms would be advisable.

At this session of this Congress a bill was introduced in the House of Representatives which if passed would not only work a great harm and injustice by discrimination between the full bloods and the mixed bloods but would involve the payment by and through the Interior Department of large sums of money for expenses in carrying out the measures therein provided for, and would also involve the premature payment, as it is estimated, of $2,000,000 or thereabouts, which would in all probability be as speedily dissipated by the supposed beneficiaries to whom it might be paid as were the lands allotted to them, and bring the recipients thus provided for so much nearer to the conditions of objects of charity for the United States or charges upon the people of the State of Minnesota as indigent persons.

In conclusion, I respectfully ask at the hands of your honorable committee that means may be provided by the House of Representatives whereby at the least possible expense and with the greatest reasonable celerity all these matters may be inquired into, together with any others that may from time to time be suggested, to the end that the Congress and the people may know of the manner in which these wards of the Government have been, are being, and may still further be ill treated, cheated, and deprived of the little that remained to them when the matters hereinbefore recited began.

Respectfully submitted.

M. C. BURCH,
Attorney in charge of White Earth Matters for Department of Justice.

WHITE EARTH RESERVATION

No. 8

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 23, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARRON, *Clerk.*

WHITE EARTH RESERVATION.

The subcommittee of the Committee on Expenditures in the Interior Department, of the House of Representatives, appointed for the purpose of conducting an investigation into the affairs of the White Earth Reservation, State of Minnesota, convened in the United States district court room, fourth floor Federal Building, Minneapolis, Minn., on January 23, 1912.

Said subcommittee consists of Hon. J. M. Graham, of Illinois, chairman; Hon. Henry George, jr., of New York; and Hon. Frank W. Mondell, of Wyoming.

There were present, of the committee, Mr. Graham, chairman, and Mr. George.

Appearances: M. C. Burch, attorney for the Department of Justice, in charge of White Earth matters; Mr. E. C. O'Brien, special assistant to the Attorney General; Mr. W. A. Lancaster and Mr. Milton D. Purdy, representing D. N. & C. J. Winton; Mr. R. J. Powell, representing the Nichols-Chisholm Lumber Co.; Mr. Gus H. Beaulieu and Mr. John Carl, claiming to represent White Earth Indians.

Jessie Carey Smith was sworn in as official reporter.

The CHAIRMAN. Are you ready to proceed?

Mr. BURCH. We think we are ready to proceed, in a way. Mr. Chairman, I will take up a statement filed at the request of the chairman of this committee, before it was decided whether or not there would be a subcommittee come to Minnesota, and attempt to follow that as nearly as possible through the meetings of the subcommittee for this hearing.

Mr. GEORGE. Is this embraced in No. 7?

Mr. BURCH. Embraced in No. 7 of the series of hearings of this House committee on resolution No. 103. I will state, for the information of the committee, that we have been very fortunately enabled to provide a map of the White Earth Reservation, eliminating the four townships sold about the year 1900, I think, and while it is not offered in evidence, being rather too bulky for that purpose, the committee may, if it so desires, have it reduced and included in the committee's proceedings at any time; and, if it were necessary to have the map itself offered in evidence, it might be done, although I am not prepared at the present time. It contains 32 townships, and a blank space where 4 townships would have been if the map was complete of the original reservation of 36 townships. It shows the lake area—the water area—the line of the Soo Railroad between St. Paul and Minneapolis at one terminal, and Winnipeg at the other, and it is regarded as what we would call a sectional map. That is, each township contains 36 square marks or spaces intended to indicate each a section of land approximately in extent 640 acres.

The CHAIRMAN. There is nothing there to indicate the character of the land, as to whether it is timberland or not?

Mr. BURCH. No; there are no indications of that kind. The committee will have to depend upon the testimony of the witnesses as to the general location on this reservation of timberland.

The CHAIRMAN. The map as it appears now is a square, or would-be square—6 miles each way?

Mr. BURCH. No; 36 miles each way.

Mr. GEORGE. Six townships each way, but the four townships beginning at the northeast corner and extending southward are missing?

Mr. BURCH. Are missing, because, at the time of the making of this map they had been sold and were segregated thereby from the reservation and not deemed important for the purposes for which, doubtless, the map was made.

The CHAIRMAN. The proceeds of that sale was Indian money, was it?

Mr. BURCH. We expect to show that.

The CHAIRMAN. Is there any doubt on that point?

Mr. BURCH. Not at all; not at all; that is beyond question. There is no doubt on that point. It will all be embraced—and I may say to the chairman, by way of general indication, that the subject matter of these four townships and their sale will be the first under inquiry, if the committee will allow us to offer them in that way—that is, subject to the determination of the committee.

The CHAIRMAN. We have assumed that you have studied the case and know how you want to present it, and we are satisfied that you should present it as you have prepared it.

Mr. BURCH. First, if it please the committee, Mr. Chairman, I desire to read into the record article 2 of a treaty with the Chippewa Indians of 1867.

The CHAIRMAN. From what do you read?

Mr. BURCH. Found in Indian Affairs, Laws and Treaties, by Kappler, volume 2 of treaties, second edition, on page 975. This is the treaty:

ART. 2. In order to provide a suitable farming region for the said bands, there is hereby set apart for their use a tract of land to be located in a square form as nearly as possible, with lines corresponding to the Government surveys, which reservation shall include the White Earth Lake and Rice River, and contain thirty-six townships of land: And said portions of the tract herein provided for as shall be found upon actual survey to lie outside of the reservation set apart for the Chippewas of the Mississippi by the second article of the treaty of March 20, 1865, shall be received by them in part consideration for the cession of lands made by this agreement.

The matter of the selection of this particular tract and its adoption by a committee of the Indians of Minnesota will be adverted to later on by oral testimony. It is only preliminary anyhow.

W. D. ANDREWS, sworn by the chairman, testified as follows:

Mr. BURCH. Will the committee ask any preliminary questions?

The CHAIRMAN. We might ask a few preliminary ones.

Examined by Mr. GRAHAM (chairman):

Q. State your full name.—A. Walter D. Andrews.

Q. Where do you reside?—A. Minneapolis.

Q. How long have you lived here?—A. Between 15 and 16 years.

Q. And how long in the State?—A. Since May of 1864.

Q. What is your present occupation?—A. Insurance and the handling of farm lands.

Q. How long has that been your business?—A. About 16 years.

Q. Have you any other occupation than those?—A. No, sir.

Q. Are you acquainted at White Earth?—A. In a measure; yes.

Q. Have you done business there at any time?—A. I have.

Q. Along the line of your regular business?—A. Yes, sir; in the purchase of some farm lands.

Q. Do you own land on the reservation?—A. I do.

Q. Have you owned it long?—A. About six or seven years. That is, I think I have——

Q. Your answer is approximately correct—six or seven years?—A. Yes, sir.

Q. Have you traded or dealt in lands there?—A. I purchased some land and have sold a portion of it.

Q. You don't own quite as much now as you have at one time up there?—A. No, sir.

Q. Is it agricultural or timber?—A. Agricultural.

Q. Any timber land?—A. No, sir. Well, there is—some 12 or 15 acres of scattered timber lands, a particular piece that I have.

Q. How familiar are you with conditions up there on the reservation?—A. At the time that I purchased this land I traveled quite extensively over the agricultural portion of it. That is the western portion. The eastern portion, which is timber, I know nothing of.

Mr. BURCH. Mr. Chairman, my proposition, if you will allow me, regarding this witness at this time, was only to describe in general the reservation. Later, I may say to the chairman that he will be called upon for more active and important purposes.

The CHAIRMAN. All I wanted to get now was a short personal history of Mr. Andrews, so that we would know to some extent the angle from which he looked at things. You may proceed.

Examined by Mr. BURCH:

Q. You are president of the Farmers' Mutual Fire Insurance Co., of this city and State?—A. I am.

Q. You are actively occupying that position?—A. Yes, sir.

Q. Mr. Andrews, how many townships were there in the White Earth Reservation?—A. Originally 36.

Q. Will you please state, the towns and ranges contained in that reservation after the Government passed them?—A. It includes—it did include originally, beginning with township No. 141 to No. 146, inclusive, and from range 37 to include range 42 west.

Q. What are now supposed to be excluded? Give the towns and ranges of those, if you can.—A. Townships Nos. 143, 144, 145, and 146, of range 37, have been excluded.

Q. Have you traversed any portion of these eliminated four townships?—A. No, sir.

Q. You are not acquainted with those?—A. I am not.

Q. Confining your answers, then, to the 32 remaining townships, will you state about how far the reservation lies from Minneapolis and St. Paul; approximately?—A. The southern border lies about 130 to 135 miles from Minneapolis.

Q. As the bird flies, or as the railroads go?—A. As our railroads traverse the country.

Q. The northern border would, of course, be 36 miles farther?—A. Thirty-six miles farther.

Q. What lines of what systems of railroad pass through or closely approach this reservation? Describe them.—A. The Soo line, extending from Minneapolis and St. Paul to the border line of our State just south of Winnipeg, traverses the entire length of the reservation, striking the southern border of the reservation about 7 miles from the western border and leaving it about 4 miles from the western border at the north. The Great Northern line, from Duluth to Crookston and Grand Forks, passes not quite parallel with the northern border, but approximately so, and touches the reservation at that point just about 6 miles from the northeastern corner and then angles slightly to the northwest, going to Crookston and Grand Forks.

Q. Will you kindly indicate to the committee?—A. I don't know that I can follow it exactly; I will give it as I remember it [indicating on map]. The Great Northern, coming from Duluth, touches the reservation at the north, 6 or 7 miles, then angling to the northwest to Crookston and Grand Forks, while the Northern Pacific line, from this city, comes through—I believe the point is Detroit, some 12 miles from the reservation, at which point there is a junction with the Soo which traverses the reservation.

The CHAIRMAN. That is the nearest station point, south of the west line of the reservation? That is about 6 or 7 miles?

A. Yes, sir. Then, about 10 miles west of the reservation there is a branch of the Northern Pacific that goes north parallel to the west line of the reservation.

Q. What is the nearest considerable town to the reservation?—A. On the south it would be Detroit. On the north we have Fosston, Erskine, the principal towns on the Great Northern; and on the west Twin Valley. That is only a little station, but the principal station.

Q. About how far from the reservation are the towns of Fargo and Moorhead, and in what direction?—A. Fargo and Moorhead are west of the southwestern part of the reservation, I should say, approximately, 35 or 40 miles.

The CHAIRMAN. You refer to Fargo in North Dakota?

Mr. BURCH. Yes; it is on the borders on the other end—the first large point on the Northern Pacific and Great Northern Road, I think, from this reservation.

The WITNESS. Probably 30 miles, instead of 35.

Mr. BURCH. Do you know whether there are any watercourses on this reservation, and if so, what are they, and in which direction do they run? I don't know as you know anything about that; but if you know?

A. There is one stream, I think, is about all, the branches, Wild Rice River, which flows in a westerly direction.

Q. In what portion of the reservation is the Wild Rice River?—A It flows just south of the county seat, Mahnomen.

Q. Of what county?—A. Mahnomen County. I was going to remark that Mahnomen is the county seat or the capital, and is on the Soo Railway, near the certral part of the reservation north and south.

Q. Are there any logging railroads or small spurs of these larger systems in any direction, that you know of?—A. Not that I know of.

Q. Will you now describe in your own manner and from your personal observation the general character of this reservation for agri-

cultural, lumbering, or other purposes?—A. I know but very little about the lumber or the timber part of this reservation. The line of demarcation between the timber and the agricultural lies, I would say, from approximately the center of the reservation, and a line drawn through the center of the reservation north and south would very nearly divide the timber from the agricultural lands.

Q. Where would the timber be, to the east of that or the west?—A. To the east, with the agricultural lands to the west.

The CHAIRMAN. Do you mean the center of the original reservation?

The WITNESS. I mean the center of the five townships left, making about 2½ timber and 2½ in width of agricultural lands.

Q. What is the character of the soil on this reservation?—A. As far as I have examined it is the black loam, underlaid with a clay subsoil.

Q. What you call prairie soil?—A. Yes, sir.

Q. What is its topography, flat or undulating?—A. It is rolling, the two southern tiers of townships being more rolling than the west. From the north boundary of the two southern tiers of townships north there is quite a little bit of flat land, and considerable of it is wet at certain times of the year during the wet seasons—it is not what would be called rank.

Q. Is there any considerable area of water-covered land, I will put it, lake or pond area, upon this reservation?—A. Why, there are a number of lakes. Our northern Minnesota is noted for its lakes, and this is no exception.

Mr. GRAHAM. Are those real lakes, or are they swamps, or are they to any extent susceptible of drainage?

The WITNESS. I do not know the fall of the land in different directions, and I can not therefore say whether they are susceptible of drainage or not, but there are quite a number of permanent lakes. Those lie mostly in the southern and eastern portions, however.

Q. Is this lake area, in connection with the other lands, in a convenient way for the comfort and pleasure of the people living upon the land?—A. Some might consider that they were beneficial, while others who thought solely of agriculture would consider them a detriment. That would be according to the opinion of the individual residing there.

Q. Frequented by fishermen, fishing points, etc?—A. There are some such lakes, yes, sir; but there are a number of small lakes that don't contain fish, and I don't know of any benefit to the country in any way.

Q. Do the Indians, so far as you know, make any—do they gather the rice to any extent?—A. That I don't know.

Q. You don't know anything about that. Do you know whether there is any quantity of rice swamps on this reservation? That is, wild-rice swamps.—A. There is not on the agricultural part of it.

Q. Well, around in the swampy portions of it or about the lakes?—A. I have seen but very little of it.

Q. How early was the first occasion when you visited this reservation?—A. I was around the border of this reservation, more or less, about 22 years ago. I had no occasion to go onto it.

Q. You have been there occasionally since?—A. Yes.

Q. Will you state, if you know, what the general character and situation is in the surrounding—can you bound the reservation by counties?—A. I think I can.

Q. Please do so.—A. It is bounded upon the north by Polk County, on the east by Clearwater County, except those two southern tiers which set right down in Becker County, so those two southern tiers on the east and south and west are bounded by Becker County, and the balance of the reservation is bounded on the west by Norman. The two southern tiers of townships set right down in Becker County, so that Becker is on the east, south, and west of these two southern tiers of townships. That would leave the four tiers being bounded on the east by Clearwater, the north by Polk, and the west by Norman.

Mr. GEORGE. Clearwater seems to bound one of these townships on the north?

A. On two and three and four by Polk, and one by Clearwater. May I step to this other map?

The CHAIRMAN. We can get it perhaps better from the map before us here. Bounded on the north by Polk and Clearwater?

The WITNESS. Yes.

The CHAIRMAN. And on the east by Clearwater and Becker?

The WITNESS. Yes.

The CHAIRMAN. On the south by Becker, on the west by Becker and Norman?

The WITNESS. Yes.

Q. How are these counties surrounding populated? That is, whether densely or sparsely or fairly? Please state.—A. On the north and west sides I think the land is practically all settled. On the east I know nothing about it. I have not been there.

The CHAIRMAN. Settled by white people or by Indians, or by mixed population?

The WITNESS. White, principally of Scandinavian descent.

Q. Fairly prosperous farming community?—A. Reasonably so; yes, sir.

Q. In what counties are the reservation and the four eliminated townships inclosed? Please state.—A. I do not know that I catch the meaning, exactly.

Q. What counties is the reservation divided into, and how many townships in it?—A. Into Mahnomen County, which contains 20 townships.

Q. Aren't you mistaken; don't you mean Clearwater County?—A. The reservation is in Mahnomen County.

Q. Oh, I understood you to say Norman. Go ahead.—A. And the southern 2 tiers of townships, comprising 12 townships, are in Becker County.

Q. Any in Clearwater? I am referring to the four eliminated townships. The four eliminated townships would be in Clearwater.

The CHAIRMAN. Are the four townships which would have adjoined the four eliminated ones also in Clearwater? Beginning at the north, on the east side of the diminished reservation, there are only two, three, and four, down to the jog, which seem to be in Clearwater.

The WITNESS. I think that is Clearwater County.

Q. Do you remember the time when you first went there, about what the general price, the general value of these agricultural lands, was?—A. No. I was there first 22 years ago. I don't think they had any salable value when I was there 22 years ago.

Q. It was all reservation then? That was before——A. Yes. It didn't have any salable value.

Q. Now, at the time of the practical opening of the reservation to purchasers, or certain of the Indians, say 1906, when the Clapp Act, so-called, was passed, will you say whether it had any?—A. I think it did.

Q. What was the general valuation, do you think, placed upon lands at that time; agricultural lands I am speaking of now?—A. You simply want to know what I would place, as my opinion, of the value?

Q. Yes; we might as well get that; not the market value, but your opinion of the value?—A. Well, I should say all the way from five to ten or twelve dollars an acre.

Q. Have lands advanced in value since that time?—A. Throughout all our Northwest, very much.

The CHAIRMAN. Then, what would make the difference between the $5 land and the $10 and $12 land?

The WITNESS. The land that would be low or wet at certain portions of the year, or require drainage, or would be covered pretty well with what we call "brush"—small wood for timber—would be less valuable than the land that was a little higher and could be broken at once and put under cultivation.

Q. How did you obtain your knowledge of land values up there; from the fact that you had bought some of it and sold some of it?—A. I have not only bought and sold some of that, but I had the year before, and the year before that, and for two or three years before bought land in northern Minnesota farther north, just across the line in Canada, which was better land, and also land in Dakota, just west, and I place my estimation of the values upon what I was able to buy land for outside of the reservation within from one to two years before.

The CHAIRMAN. You feel, then, that you are competent to fix a price on the land there at that time from your experience and knowledge of land matters in that neighborhood?

The WITNESS. Well, I think so; and was so thoroughly convinced that I was that I bought the land that I did buy upon my own knowledge, without consulting anybody as to the value or what they were paying.

The CHAIRMAN. That is probably a supreme test. Go ahead.

Q. As to a place for residence—homes and farming—for a class of people, as, for instance, the Indians. Was this a desirable tract of land or not, in your opinion?—A. Well, I would have to qualify my answer to that a little. I presume I would be allowed to do so here. I would say that it would be as desirable as the average land in our Northwest when it had once been settled by the white man, so that he would have the advantages of civilization and society; but at that time of course it was not as desirable as land outside of the reservation, where it was all subject to the settlement of white men without any strings or without any reservations.

Mr. GEORGE. This was in 1906?

The WITNESS. 1906. And the conditions have grown worse, rather than better, since that time.

Q. Well, you mean now from the standpoint of a white man?—A. Oh, I do; certainly.

Q. I rather design to put it from the standpoint of a residence and home for Indians. In other words, for an Indian reservation.—A. As

far as I could discover, traveling over the reservation at that time, the agricultural part was scarcely used at all. It was vacant.

The CHAIRMAN. Your answers, given up to this time, apply only to the agricultural land?

The WITNESS. Yes, sir; because I know nothing of the other lands, having not traveled over them; but I found along the border, where I stated was a dividing line between the timber and the prairie, that they had settled in there, and wherever there was a little timber, or a little grove, you would find perhaps mixed blood. The agricultural lands had not been tilled to any extent. There were a few little patches here and there that were tilled, but practically it was an open prairie dotted with little homes.

The CHAIRMAN. What are the usual crops there?

The WITNESS. Wheat, oats, barley, and flax.

Q. Perhaps you don't quite understand what I wanted to ask of you. It is this: Whether, from your observation of this reservation, it was a desirable home—reservation—I speak now of the term "reservation"—a desirable home for the Indians—A. Yes, I think it was, so long as the fish and game, which were fast disappearing, would remain. But as soon as the fish and game, which was fast disappearing, had gone, then they would have to turn their attention to agriculture or be without means of livelihood.

Q. Well, even then would it be desirable—would it be as desirable a place as any other?—A. Provided they took up agriculture; yes.

Q. That is what I mean. Whether it would be desirable for all purposes as a home or reservation for the Indians?

The CHAIRMAN. Do you know whether any attempt was made to stock those lakes—keep them stocked with food fish?

The WITNESS. I do not.

The CHAIRMAN. Do you know whether they are of sufficient depth to enable the fish to——

The WITNESS. Some of them I know are. Some of them are considered to be very fine fishing lakes.

The CHAIRMAN. The wild rice you speak of seems to be of considerable importance up there. It is used, is it?

The WITNESS. Yes.

The CHAIRMAN. Good for food?

The WITNESS. Yes.

The CHAIRMAN. Is it at all like the ordinary rice?

The WITNESS. Well, no; it is inferior to ordinary rice.

The CHAIRMAN. But is it of the same general character or same general appearance?

The WITNESS. Oh, yes; but still, on the markets, it would not bring anything like the price of the other. It is a food that I believe the mixed bloods and the full-bloods exist upon to a certain extent.

The CHAIRMAN. To what extent is it grown there?

The WITNESS. Well, I didn't see but very little of it.

Mr. GRAHAM. It grows in the swamps, or somewhat swampy land?

The WITNESS. Yes.

The CHAIRMAN. Is it of sufficient importance to let it stay on the land, if a real farmer had it?

The WITNESS. Oh, no.

Mr. GEORGE. But it does help to bring the game there, does it not, [illegible] certain seasons?

The WITNESS. I think so; yes, sir. It would bring the wild duck and wild goose.

The CHAIRMAN. What do you include in the game which you say is fast disappearing?

The WITNESS. The deer, and there used to be bear and moose. I believe to-day there could be none of the moose found in there—practically none, I should say. The bear has almost disappeared, the deer is very fast disappearing, and then there were the fur-bearing animals, which they tell me are not nearly so abundant as formerly.

The CHAIRMAN. What are they, the mink and beaver?

The WITNESS. The mink and lynx, and I think the beaver, the muskrat.

The CHAIRMAN. Judge Burch, you stated that you expected Mr. Andrews to take the stand again, later?

Mr. BURCH. Oh, yes, on other matters; I desire to recall him later on, I suppose, if there is no further examination now. I suppose it is understood that anybody interested, showing a proper interest in this investigation, can ask any questions they care to?

The CHAIRMAN. The committee would like to exercise a little control of that, but anyone showing a reasonable ground would be allowed to examine. You will hold yourself in readiness, Mr. Andrews, to recall. I understand you have been subpœnaed. Is there anyone here who desires to ask any questions, who has any interest?

Mr. BURCH. I now desire to place in the record, and will read to the committee—I will file it later for the convenience of the committee—the report of the Secretary of the Interior for the fiscal year ending June 30, 1902, pages 28 and 29 of that public document, "The ceded Chippewa lands in Minnesota."

Mr. Burch then read the report, which was later marked "Burch's Exhibit No. 1," as follows:

BURCH'S EXHIBIT NO. 1.

REPORT OF SECRETARY OF INTERIOR FOR FISCAL YEAR ENDING JUNE 30, 1902 (pp. 28–29).

THE CEDED CHIPPEWA LANDS IN MINNESOTA.

These lands embraced orignally about 3,000,000 acres and constituted the finest body of pine lands east of the Rocky Mountains.

In order to dispose of them for the benefit of the Indians, the act of January 14, 1889 (Stat. L., 642), was passed. Under that act about 660,000 acres have been disposed of, for which there has been received, approximately, $1,126,830.18.

In my last two annual reports I adverted to the fact that the experience of this department in the administration of that act had demonstrated its inadequacy to accomplish the purposes intended.

Said act provided, in brief, that after the cession of the lands they should be examined and classified as "agricultural" lands and "pine" lands. The pine lands were to be estimated and appraised and sold, after advertisement, at public auction to the highest bidder, and the agricultural lands were to be opened to disposition under the homestead laws at $1.25 per acre.

It was soon discovered that the classification of the land was faulty, in that lands were frequently classified as agricultural that were, as a matter of fact, pine lands and that the estimated quantity and value of pine on a given tract was frequently very much in excess of that set forth in the reports of the appraisers.

Soon after these discoveries were made, and in order to relieve the situation, the act of June 7, 1897 (30 Stat. L., 90), was passed authorizing the sale of the dead and down timber on said lands. As soon became apparent, this was the most convenient

vehicle for fraud that had yet been furnished those who were seeking to despoil the Indians, and on March 1, 1899, Congress passed an act (30 Stat. L., 929) under authority of which I, on March 30, 1899, directed the Commissioner of the General Land Office to suspend until further notice as to said lands all estimating, appraising, examining, selling, and cutting of timber, the letting of further logging contracts under said act of June 7, 1897, as well as the sale of said lands.

I also appointed two inspectors of the Indian Office to investigate the frauds reported to have been committed under the dead-and-down act. The result of their investigation was the discovery that, in round numbers, 12,000,000 feet of green timber had been unlawfully cut under dead and down contracts and over 8,000,000 feet cut without authority on individual allotments. They collected from the parties so offending, without resorting to legal proceedings, over $55,000. Against one firm, which made repeated efforts to compromise for less than the value of the timber, a judgment of $93,560.60 was finally obtained.

During the summer of 1900 representations were made to the department by the Senators and Representatives in Congress from Minnesota that it would be to the interest of the Indians that the pine lands in the four ceded townships in the White Earth Reservation in said State be sold and the agricultural lands opened for disposition under the homestead laws.

I accordingly referred the matter to the Commissioners, respectively, of the General Land Office and of Indian Affairs, and upon receipt of their reports that no practical objection existed to the disposition of said lands as provided for under said act of January 14, 1889, and the amendment thereto of February 26, 1896 (29 Stat. L., 17), I, on October 6, 1900, directed that the pine lands in said four townships be offered for sale on November 27, 1900, and that the agricultural lands be opened for disposition under the homestead law on December 4, 1900; and the order of March 30, 1899, suspending all proceedings in relation to said lands was modified accordingly.

Mr. BURCH. I will file that Exhibit No. 1 now, and ask that it go into the record at the proper point.

Heretofore in the earlier sessions of this committee held in the city of Washington, I think, in July last, the Nelson Act was cited, and in part read, and is now a part of the record. At what page possibly the chairman can state.

The CHAIRMAN. No; I have not the page noted.

Mr. BURCH. Perhaps it can be easily found by anyone desiring to see it; as it is one of the public statutes, it is not necessary to give further emphasis to it.

I now offer to read to the committee, and will file it for convenience in the report, an amendment to the Nelson Act, so called, approved February 26, 1896, printed 29 Statutes at Large, 17.

Mr. Burch then read the amendment, which was later marked "Burch's Exhibit No. 2," as follows:

BURCH'S EXHIBIT NO. 2.

AMENDMENT TO ACT OF JANUARY 14, 1889.

[Approved Feb. 26, 1896 (29 Stat. L., 17).]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth section of the act of Congress passed January fourteenth, eighteen hundred and eighty-nine, providing for the relief and civilization of the Chippewa Indians in the State of Minnesota, be, and the same is, amended so far as the same relates to the White Earth and Red Lake Reservations, and as to the other reservations mentioned in said act whenever all the allotments of land in severalty shall have been made to the Indians of each reservation, respectively, therein provided, so as to read as follows:

"SEC. 5. That whenever, and as often as the survey, examination, and appraisal of one hundred thousand acres of said pine lands, or of a less quantity, in the discretion of the Secretary of the Interior, have been made, the portion so surveyed, examined, and appraised shall be proclaimed as in market and offered for sale in the following manner: The Commissioner of the General Land Office, under the direction of the

Secretary of the Interior, shall cause notices to be inserted once in each week for four consecutive weeks, in one newspaper of general circulation published in Minneapolis, Saint Paul, Duluth, Stillwater, Taylors Falls, Fosston, Saint Cloud, Brainerd, Crookston, and Thief River Falls, Minnesota; Chicago, Illinois; Milwaukee, Wisconsin; Detroit, Michigan; Philadelphia, Pennsylvania; and Boston, Massachusetts, of the sale of said land at public auction to the highest bidder, for cash, at the local land office of the district in which said lands are located, said notice to state the time and place and terms of such sale. At such sale said lands shall be offered in forty-acre parcels, except in case of fractions containing either more or less than forty acres, which shall be sold entire. In no event shall any parcel be sold for a less sum than its appraised value. The residue of such lands remaining unsold after such public offering shall thereafter be subject to private sale for cash at the appraised value of the same, upon application at the local land office: *Provided*, That sections numbered sixteen and thirty-six in each township so surveyed shall not be sold until the claim of the State of Minnesota to the ownership of said sections as part of the school lands of said State shall have been determined.

Mr. BURCH. This, as we understand it, provided a means whereby the timber should be sold in quantities of 100,000 acres or less, and these four townships embraced less than 100,000 acres. It provided the way—this amendment to the Nelson Act, whereby those four townships upon this reservation could be segregated from the reservation and sold by two methods: One, the sale of the timber land at public auction to the highest bidder in parcels of 40 acres or thereabouts; the other, the sale of the agricultural lands, so classified, or their disposition, at $1.25 per acre.

The CHAIRMAN. Whose amendment was that?

Mr. BURCH. I think it was introduced by Representative Charles Towne, of Minnesota, at the request, so stated in the record, I believe, of Representative Eddy, who preceded Congressman Steenerson in the representation of the district in which this reservation was located.

I desire now to read to the committee, and will file, section 1 of Thirtieth Statutes at Large, 90, which was referred to in the report of the Secretary of the Interior. This was the act that the Secretary desired to have appealed.

Mr. Burch read the section referred to, copy of which was marked "Burch's Exhibit No. 3," and offered in evidence as follows:

BURCH'S EXHIBIT NO. 3.

[30 Stat. L., 90.]

SECTION 1. * * * The Secretary of the Interior may, in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation or any part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such ceded land. But whenever there is reason to believe that such dead timber in either case has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then in that case such authority shall not be granted.

Mr. BURCH. I will now read from 30 Statutes at Large, 929, which was a rider to an appropriation bill under the head of "Investigation of alleged cutting of green timber," etc.

Mr. Burch then read the article referred to, and the copy was marked "Burch's Exhibit No. 4," and offered in evidence, as follows:

BURCH'S EXHIBIT NO. 4.

[30 Stat. L., 929.]

(Investigating of alleged cutting of green timber, etc.)

The Secretary of the Interior is hereby authorized and directed to cause an investigation by an Indian inspector and a special Indian agent of the alleged cutting of green timber under contracts for cutting "dead and down" on the Chippewa ceded and diminished reservations in the State of Minnesota, and also whether the present plan of estimating and examining timber on said lands and sale thereof is the best that can be devised for the protection of the interests of said Indians; and also in his discretion to suspend the further estimating, appraising, examining, and cutting of timber, and the sale of the same, and also suspend the sale of the lands in said reservation.

Mr. BURCH. I now read from House Executive Document No. 247, Fifty-first Congress, first session, page 102, from the speech of Commissioner Rice at the White Earth council, July 25, 1889. Mr. Rice was one of the Chippewa commissioners. It was the opinion of the committee, I will state, that under the Nelson Act it was provided that a commission should be appointed, of suitable persons, to treat with the Chippewa Indians of Minnesota for the cession by them of certain lands—certain parts of their reservation—to the end that that land might be put on sale for their benefit, on these reservations, and that they be practically all segregated on the White Earth and Red Lake Reservations. The scheme evidently being, upon the part of the Government—and it seems very wise—to seal all these scattering reservations, having obtained a cession of them from the Indians, for their benefit, and gather them together on these two reservations, the White Earth and the Red Lake. But it was not to be enforced upon them. This Nelson Act was as safely guarded, I may say this in justice to the great and good man whose name it bears, as could well be devised, in my opinion, under all the circumstances existing at that time. These Indians were not to be enforced into ceding these lands, but the assent of two-thirds of them was to be secured before the act could become operative in character. Now, a commission called the Chippewa Indian Commission, was appointed, and Mr. Rice, an eminent man of this State at that time, who had dealt much with the Indians, was one of these commissioners, and the following is the promise or speech that he made to them.

The CHAIRMAN. For whom does he speak, for himself or the commission?

Mr. BURCH. For the commission. This was at a council between the commission and the Indians.

Paper marked "Exhibit No. 5" read as follows:

BURCH'S EXHIBIT NO. 5.

[House Ex. Doc. No. 247, 51st Cong., 1st sess., p. 102.]

(From speech of Commissioner Rice at White Earth council, July 25, 1889.)

The eastern tier of townships contains a great deal of pine, which will bring large sums of money. It is all surveyed. It is only necessary to have it examined and sold, which will not take a long time. It is in our power to have the Government advance something to give your young men a start and we will have it done. We have talked this over and will do what we can. We know the difficulties you are

under, and are astonished at the industry with which some of you have earned 160 acres. But if you neglect this opportunity, how much better off are you; what have you gained? You must reflect upon the future.

Mr. BURCH. Referring to Exhibit No. 5, I will say, in reference to that remark about "earning 160 acres of land," that a former treaty had provided that an Indian who cleared 10 acres of land and put it under cultivation could have 140 acres conveyed to him as a separate allotment, and so on, up to 160 acres; if he cleared 40 he could have 160 acres set apart for him. This is what the commissioner referred to in that speech.

I will now read House Executive Document No. 247, Fifty-first Congress, first session, pages 56–58, signature rolls Pillager Bands of Chippewa Indians, Otter Tail Bands, White Earth Reservation, Minn. The commissioners signing this were Henry M. Rice and Joseph E. Whiting; B. P. Shuler, United States Indian agent; W. C. Hubbell, secretary to the commission, and 144 Indians.

The paper was marked "Exhibit No. 6" and offered in evidence, as follows:

BURCH'S EXHIBIT NO. 6.

[House Ex. Doc. 247 51st Cong., 1st sess., pp. 56–58.]

SIGNATURE ROLLS, PILLAGER BANDS OF CHIPPEWA INDIANS, OTTER TAIL BANDS, WHITE EARTH RESERVATION, MINN.

We, the undersigned, being male adult Indians over eighteen years of age of the tribe or band of Otter Tail Chippewa Indians, occupying and belonging to the White Earth Reservation, in the State of Minnesota, do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (public, No. 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the said act, and each and all of the provisions thereof, and do hereby grant, cede, and relinquish, and convey to the United States all our right, title, and interest in and to all and so much of said White Earth Reservation as is not embraced in the following described boundaries, to wit:

Townships 141 and 142 of range 37; townships 141, 142, 143, 144, 145, and 146 of range 38; townships 141, 142, 143, 144, 145, and 146 of range 39; townships 141, 142, 143, 144, 145, and 146 of range 40; townships 141, 142, 143, 144, 145, and 146 of range 41; and townships 141, 142, 143, 144, 145, and 146 of range 42, for the purposes and upon the terms stated in said act, which said lands embraced within said boundaries have been reserved by the commissioners appointed under said act and as therein authorized for the purpose of making and filling the allotments therein provided for, and we do also hereby grant, cede, and relinquish to the United States for the purposes and upon the terms stated in said act, all our right, title, and interest in and to the lands reserved by us and described in the first article (ending with the words "to the place of beginning") of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat., p. 719), and also to the Executive addition thereto made and described in an Executive order dated October 29, 1873; and we do also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under the provisions of said act to make and fill allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at White Earth Agency, in the State of Minnesota, this 29th day of July, 1889.

HENRY M. RICE, [SEAL.]
JOSEPH B. WHITING, [SEAL.]
Commissioners.

B. P. SHULER,
United States Indian Agent.

W. C. HUBBELL,
Secretary to Commission.

(Here follows signature by mark of 144 Indians.)

Mr. BURCH. I will also offer an excerpt from House of Representatives, Executive Document No. 47, Fifty-first Congress, first session, pages 45–48, signature roll Chippewa Indians, Mille Lac Bands. This is about the same purport and effect as the one before it except that it is a treaty of the commission with the Mille Lac Bands, those treaties having been had with the bands separately, according to their location. They were all ceding these four townships.

The CHAIRMAN. I understand a band is a subdivision of a tribe, is it?

Mr. BURCH. Yes.

The CHAIRMAN. The point I had in mind is this, Is a band such a designation as indicates power of action? Can a band call a council and make a treaty and act in such way as to bind themselves, or must it be the tribe that takes such action?

Mr. BURCH. We do not know and have not found any hard and fast law or rule of action among the Chippewa Indians which would answer the question of the chairman. We find the commissioners to these Indians treating with them in one locality, with a band like the Pillager Band, which inhabits that locality, and we find another band which we would say would be the Pillager Band in another locality, etc. In other words, they didn't call them all together in a tribal general council, apparently, in dealing with them, but found them where they could, probably at the headquarters of each of these several bands, and treated with them there separately, the Indians thereby being somewhat at a disadvantage and the commissioners for the United States very much at an advantage—the commissioners United States—because they could treat with them separately.

Mr. BEAULIEU. Isn't it true, Judge, that another treaty was made with the Red Lake Band of Chippewas in 1863 at the crossing of the Red Lake River?

Mr. BURCH. Yes; I think there was such a treaty. I will say further, that I don't believe that the commisssioners for the United States ever found anything like a rule of action so rigid and distinctly drawn as our own national arrangements of Government, General, State, Territory, etc.

The CHAIRMAN. They had to take them as they found them?

Mr. BURCH. Yes; they dealt with them to some extent, irregularly; the best they could under the circumstances.

Paper marked Exhibit No. 7 and offered in evidence, as follows:

BURCH'S EXHIBIT NO. 7.

[House Ex. Doc. No. 247, 51st Cong., 1st sess., pp. 45–48.]

SIGNATURE ROLLS, MISSISSIPPI CHIPPEWA INDIANS, MILLE LAC BANDS.

We, the undersigned, being male adult Indians over eighteen years of age, of the Mille Lac Band of Chippewas of the Mississippi, occupying and belonging to the Mille Lac Reservation under and by virtue of a clause in the twelfth article of the treaty of May 7, 1864 (13 Stat., p. 693), do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians, in the State of Minnesota" (Public, No. 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of the White Earth Reservation as is not required and reserved under and in accordance with the pro-

visions of said act to make and fill the allotments in quantity and manner as therein provided for the purposes and upon the terms stated in said act; and we do also hereby grant, cede, and relinquish to the United States for the purposes and upon the terms stated in said act all our right, title, and interest in and to the lands reserved by us and described in the first article (ending with the words "to the place of beginning") of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat., p. 719), and also to the aforesaid executive addition thereto made and described in an Executive order dated October 19, 1873; and we do also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments to the Red Lake Indians, in quantity and manner as therein provided; and we so also hereby forever relinquish to the United States the right of occupancy on the Mille Lac Reservation, reserved to us by the twelfth article of the treaty of May 7, 1864 (13 Stat., p. 693).

Witness our hands and seals hereto subscribed and affixed at Mille Lac, in the State of Minnesota, this 5th day of October, 1889.

[SEAL.] HENRY M. RICE,
[SEAL.] JOSEPH R. WHITING,
Commissioners.

(Here follows signature by mark of 189 Indians.)

Mr. BURCH. I now offer from the same House Executive Document No. 247, Fifty-first Congress, first session, pages 42–45, signature rolls, Mississippi Chippewa Indians, White Oak Point Band.

It is to the same purport and effect as the one preceding, and is on their part the cession of the four townships under consideration.

A paper marked "Exhibit No. 8," and offered in evidence, as follows:

BURCH'S EXHIBIT NO. 8.

[House Ex. Doc. No. 247, 51st Cong., 1st sess., pp. 42–45.]

SIGNATURE ROLLS, MISSISSIPPI CHIPPEWA INDIANS, WHITE OAK POINT BAND, MINN.

We, the undersigned, being male adult Indians over eighteen years of age, of the White Oak Point Band of Chippewas of the Mississippi, occupying and belonging to the reservation established by Executive order dated October 29, 1873, as an addition to the reservation provided for by the first article of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat., 719), do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding, the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians of the State of Minnesota (Public, No. 3), which said act is modified in the foregoing instrument, and after such explanation and understanding have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of the White Earth Reservation as is not required and reserved under and in accordance with the provisions of said act, to make and fill the allotments in quantity and manner as therein provided for the purposes and upon the terms specified in said act; and we do also hereby grant, cede, and relinquish to the United States, for the purposes and upon the terms stated in said act, all our right, title, and interest in and to the lands reserved by us and described in the first article (ending with the words "to the place of beginning") of the treaty with the Chippewas of the Mississippi proclaimed April 18, 1867 (16 Stat., p. 719), and also to the aforesaid Executive addition thereto, made and described as an Executive order dated October 19, 1873; and we also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under and in accordance with the provisions of said act, to make and fill the allotments to the Red Lake Indians in quantity and manner as therein provided.

Witness our hands and seals hereto subscribed and affixed at White Oak Point, in the State of Minnesota, this 6th day of September, 1889.

[SEAL.] HENRY M. RICE,
[SEAL.] JOSEPH B. WHITING,
Commissioners.

(Here follows signatures, by mark, of 172 Indians.)

Mr. BURCH. I now offer a letter to the Secretary of the Interior from A. C. Tonner, Acting Commissioner of Indian Affairs, the date of which is as follows: "In reply refer to the following, land, 44213—1900 (headed) Department of Interior, office of Indian Affairs, Washington, Sept. 21, 1900." This is a certified copy of this letter from the Department of the Interior.

The CHAIRMAN. May I see it?

Mr. Burch hands the letter to the chairman.

The CHAIRMAN. The certificate itself is not dated.

Mr. BURCH. It is a public documant, and I presume there will be little dispute.

The CHAIRMAN. The identification of it is here all right.

Mr. BURCH. It can be substituted by another, if the committee wishes, later on.

The paper was marked "Exhibit No. 9," and read in evidence as follows:

BURCH'S EXHIBIT NO. 9.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., ——— ——, *191*—.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed copy of a letter dated September 21, 1900, addressed to the honorable the Secretary of the Interior, signed by A. C. Tonner, Acting Commissioner, and relating to the disposal of the "pine lands" and "agricultural lands" on the four ceded townships of the White Earth Indian Reservation, Minn., is a true copy of the original on file in this department.

In testimony whereof I have hereunto subscribed my name, and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.] CARMI A. THOMPSON,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
Washington, September 21, 1900.

The SECRETARY OF THE INTERIOR.

SIR: The office acknowledges receipt of department letter of September 7, 1900, relative to the disposal of the "pine lands" and "agricultural lands" on the four ceded townships of the White Earth Reservation, Minn.

The act of Congress of January 14, 1889 (25 Stats., 642), provides for the complete cession and relinquishment of all interest of the Chippewa Indians of Minnesota in and to all their reservations in said State, except the White Earth and Red Lake Reservations, and to all or so much of these two reservations as, in the judgment of the commission provided for the carrying of the terms of said act into effect, will not be needed to make and fill the allotments required for the Chippewa Indians by this and other existing acts. Of the White Earth Reservation the commission determined that four townships lying on the eastern side of the reservation would not be needed for allotments, said townships being designated townships 143, 144, 145, and 146 north, range 37 west. These townships were accordingly ceded for disposal under the provisions of the said act.

It is stated in said department letter that it is urgently recommended by Senators Davis and Nelson that the agricultural lands in these townships be opened to settlement. The matter is, therefore, brought to the attention of this office with the request that the department be advised whether any reason is known by the office why the agricultural lands in question should not be opened to settlement as provided for in section 6 of the said act of January 14, 1889. The department adds that it seems that if the agricultural lands are to be opened as recommended that the pine lands should also be disposed of under the provisions of section 5 of said act. The office is requested to submit its views on this matter, together with such recommendations as may seem necessary.

The department incloses for the information of the office certain papers prepared in the General Land Office, the return of which is requested in connection with the report of the office.

The total area of these townships as reported by the Commissioner of the General Land Office is 89,366.71 acres, classified as follows:

	Acres.
Swamp lands	11,093.14
Sections 16 and 36	5,034.95
Pine lands	39,922.48
Agricultural lands	33,316.14

The estimated quantity of pine on these lands is 76,384,000 feet, having an appraised valuation of $231,489.62, as follows:

	Feet.	Value.
T. 143	33,359,000	$100,497.44
T. 144	27,410,000	82,671.86
T. 145	12,832,000	39,644.25
T. 146	2,783,000	8,676.07
	76,384,000	231,489.62

As the department is aware, much annoyance and discouragement has attended the disposal of the timber and lands of the Chippewa Indians of Minnesota. These discouragements relate to the disposal of the "dead and down" timber as well as to the disposal of the standing and growing timber under the provisions of the act of January 14, 1889.

As a result of the many complaints reaching this office in connection with the logging operations of dead and down timber, the Indian appropriation act, approved March 1, 1899 (30 Stats., 924), authorized and directed the Secretary of the Interior—"to cause investigation to be made by an Indian inspector and a special Indian agent of the alleged cutting of green timber under contracts for cutting 'dead and down' on the Chippewa ceded and diminished reservations in the State of Minnesota, and also whether the present plan of estimating and examining timber on said lands and sale thereof is the best that can be devised for the protection of the interests of said Indians, and also in his discretion to suspend further estimating, appraising, examining, and cutting of timber and the sale of same, and also suspend the sale of lands on said reservation."

Pursuant to this authority of law, the department, by letters of March 30, 1899, addressed to the Commissioner of the General Land Office and to this office, directed a suspension of all operations of whatever kind or character relating to the cutting or sale of timber on the ceded lands and to the sale of the ceded lands of the Chippewas of Minnesota. As no timber operations were being conducted under the direction of this office, which has jurisdiction only over the diminished reservations, the only operations to be suspended were those that were being conducted under the jurisdiction of the General Land Office.

The matter relating to the appraisal and disposition of the pine lands under the provisions of the act of January 14, 1889, is spoken of at considerable length in the annual report of the Secretary for 1898, at page 35 et seq., to which attention is respectfully invited. By reference to said report, it will be seen that much of the pine lands originally estimated were found upon reexamination to have been very greatly underestimated. The reexaminations ordered by reason of the undervaluation of the first examination, as well as new examinations, were made by a board of examiners selected about August, 1897. This board consisted of twenty-three men, seventeen of whom were from Minnesota and specially versed in the business of examining timber. For the details of the reexaminations and examinations made by this corps of examiners, attention is respectfully invited to the Secretary's report for 1898, page 38. Respecting the examinations made by this corps of examiners, said report states (p. 39):

"No complaints have been made of the undervaluation of timber by the present corps of examiners. They have performed their work more expeditiously than did the former board and have, by reason of their experience, discovered more timber."

It is the understanding of this office, obtained through an informal conference with the General Land Office, that the estimates of pine timber on the four townships in question were made by the new corps of appraisers comparatively a short time before the suspension of the work of appraising. In view of this fact and the urgent request of Senators Davis and Nelson for the disposal of the agricultural lands, the office has

no objection to the disposal of the pine lands of said four townships as a necessary preliminary step to the opening of the agricultural lands to homestead entry. The office regards it as very desirable that the pine lands should be first disposed of, or at least that the disposition of the two classes of lands should be simultaneous, as it might be exceedingly difficult to prevent depredations on the timber lands if the agricultural lands should be disposed of in advance of the pine lands.

The only hesitation the office has concerning the matter grows out of the lack of knowledge as to the fairness of the estimates of the pine timber; but, as stated above, the estimates were made by the new corps of estimators, and so far as is known no complaints have been made challenging their estimates.

If, therefore, the department is satisfied that the estimates made by the examiners, upon which basis pine lands must be disposed of, are fair and true, the office sees no objection to making an exception of these four townships to department order of March 30, 1899, to the General Land Office and of disposing of both the pine lands and agrucultural [sic] lands of said townships under the provisions of the act of January 14, 1889. As the department is aware, the disposal of both classes of lands is under the immediate jurisdiction of the General Land Office. It must be understood, however, that the views herein expressed relate only to the four ceded townships of the White Earth Reservation and to no other lands embraced in the said act of January 14, 1889. The general subject of the disposal of the lands of the Chippewa Indians will form the basis of a further communication.

The papers submitted are returned herewith and a copy of this report inclosed.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

Mr. BURCH. It will be borne in mind that $3 per thousand was fixed as a minimum under the Nelson Act, below which pine timber could not be sold. This estimate of the 75,000,000 feet, therefore, would permit these lands to be bid for upon the basis of the 75,000,000 feet; but if it afterwards came out more, or proved to be very much more, or were only bid up to $3 per thousand or thereabouts on the public sale, the Indians would lose just as much as the real amount—which the timber there was on the land proved to be—from the estimated amount of 75,000,000 feet. Hence it was important that these sales be open, free, and unobstructed in every way. I have read this letter for the purpose of calling attention to the situation as it existed then. I may say I think we have now covered the proposed sale of these lands to the Crookston United States land office, that is embraced in the letter of the Secretary, at the Crookston United States land office on a certain day and time.

Recess till 2 p. m.

AFTERNOON SESSION.

S. K. Phillips sworn in as reporter.

Mr. BURCH. I hold in my hands now certified copy of a letter, under date Department of the Interior, General Land Office, Washington, February 4, 1903, from the then Commissioner of the Land Office. W. A. Richards, to the Secretary of the Interior.

I have finished the reading of that letter.

Mr. GRAHAM. Is that the original?

Mr. BURCH. A certified copy.

BURCH'S EXHIBIT NO. 10.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., ————, *191—*.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed copy of a letter dated February 4, 1903, addressed to the honorable Secretary of the Interior, signed by W. A. Richards, commissioner, and relating to a public sale of

pine lands in the White Earth and Red Lake Indian Reservations, at Crookston, Minn., in November, 1900, is a true copy of the original on file in this department.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed the day and year first above written.

[SEAL.] CARMI A. THOMPSON,
Assistant Secretary of the Interior.

["C," 1902-206574, 1903-6441, 3113, 4170, 4347.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, February 4, 1903.

The SECRETARY OF THE INTERIOR.

SIR: On November 27 and 28, 1900, there was held at the district land office at Crookston, Minn., a public sale of pine lands in the four ceded townships of the White Earth Reservation and a portion of the Red Lake Reservation. Said sale was made under the act of January 14, 1889 (25 Stat., 642) as amended by the act of February 26, 1896 (29 Stat., 17). A description of the lands sold at said sale is as follows, together with the names of the purchasers and the entries covering the various tracts of lands:

C. E. 1016, November 27, 1900, Hovey C. Clarke, lots 3, 4, S. ½ NW. ¼, SW. ¼ and S. ½ SE. ¼, sec. 1, T. 143 N., R. 37 W.

C. E. 1017, November 27, 1900, Hovey C. Clarke, lots 2, 4, S. ½ NE. ¼, S. ½ NW. ¼, N. ½ SW. ¼, sec. 2, T. 143 N., R. 37 W.

C. E. 1018, November 27, 1900, Hovey C. Clarke, lots 5, 6, 7, SE. ¼ NE. ¼, SE. ¼ NW. ¼, N. ½ SW. ¼, NW. ¼ SE. ¼, SE. ¼ SE. ¼, sec. 3, T. 143 N., R. 37 W.

C. E. 1019, November 27, 1900, Hovey C. Clarke, SW. ¼ NW. ¼, SW. ¼ SW. ¼, sec. 5; S. ½ NE. ¼, lots 3, 4, 5, 6, sec. 6; lot 3, SE. ¼ NE. ¼, NW. ¼ SE. ¼, SE. ¼ SE. ¼, sec. 7, T. 143 N., R. 37 W.

C. E. 1020, November 27, 1900, Hovey C. Clarke, S. ½ NW. ¼, N. ½ SW. ¼, SE. ¼ SW. ¼, N. ½ SE. ¼, sec. 8; NW. ¼ NE. ¼, S. ½ NE. ¼, N. ½ NW. ¼, NW. ¼ SE. ¼, sec. 9; lot 3, sec. 10, T. 143 N., R. 37 W.

C. E. 1021, November 27, 1900, Hovey C. Clarke, W. ½ NE. ¼, NW. ¼, N. ½ SW. ¼, SE. ¼ SW. ¼, N. ½ SE. ¼, sec. 11; SE. ¼ SW. ¼, SW. ¼ SE. ¼, sec. 13; and NW. ¼ SE. ¼, sec. 14, T. 143 N., R. 37 W.

C. E. No. 1022, November 27, 1900, Hovey C. Clarke, W. ½ NE. ¼, SE. ¼ NE. ¼, NE. ¼ NW. ¼, SE. ¼ NW. ¼, sec. 17; lots 1 and 2, sec. 19; SW. ¼ NW. ¼, sec. 20; NW. ¼ SW. ¼, lot 8, sec. 21; SE. ¼ NW. ¼, N. ½ SW. ¼, N. ½ SE. ¼, SW. ¼ SE. ¼, sec. 23, T. 143 N., R. 37 W.

C. E. No. 1023, November 27, 1900, Hovey C. Clarke, SE. ¼ NE. ¼ NW. ¼, N. ½ SW. ¼, E. ½ SE. ¼, sec. 24, T. 143 N., R. 37 W.

C. E. No. 1024, November 27, 1900, William Kaiser, NW. ¼ SE. ¼, sec. 1, T. 143 N., R. 37 W.

C. E. 1025, November 27, 1900, Marshall H. Alworth, lots 1, 3, S. ½ SW. ¼, NE. ¼ SE. ¼, S. ½ SE. ¼, sec. 2; lot 1, SW. ¼ NE. ¼, NE. ¼ SE. ¼, sec. 3; N. ½ SE. ¼, sec. 4, T. 143 N., R. 37 W.

C. E. No. 1026, November 27, 1900, Marshall H. Alworth, lot 2, SW. ¼ NE. ¼, SE. ¼ NW. ¼, N. ½ SW. ¼, SE. ¼ SW. ¼, sec. 5; NE. ¼ SW. ¼, sec. 6; NE. ¼ NE. ¼, NE. ¼ NW. ¼, lots 1, 2, sec. 7; E. ½ NE. ¼, N. ½ NW. ¼, SE. ¼, SE. ¼, sec. 8, T. 143 N., R. 37 W.

C. E. No. 1027, November 27, 1900, Marshall H. Alworth, NE. ¼ SE. ¼, sec. 9; SE. ¼ NE. ¼, N. ½ NW. ¼, SW. ¼ NW. ¼, W. ½ SW. ¼, sec. 13; E. ½ NE. ¼, E. ½ SE. ¼, sec. 14, T. 143 N., R. 37 W.

C. E. No. 1028, November 27, 1900, Marshall H. Alworth, NW. ¼ NW. ¼, E. ½ SE. ¼, sec. 22; SW. ¼ NW. ¼, sec. 23; E. ½ NE. ¼, sec. 25; NE. ¼ NW. ¼, sec. 26; SW. ¼ SE. ¼, sec. 29, and lot 2, sec. 30, T. 143 N., R. 37 W.

C. E. 1029, November 27, 1900, Luther Davies, NW. ¼ SE. ¼, sec. 2; SE. ¼ SE. ¼, sec. 4; SE. ¼ NE. ¼, lot 3, and NE. ¼ SE. ¼, sec. 5; lot 2, SE. ¼ SW. ¼, NW. ¼ SE. ¼, sec. 6, T. 143 N., R. 37 W.

C. E. No. 1030, November 27, 1900, Luther Davies, SW. ¼, SE. ¼, sec. 8; SE. ¼ NE. ¼, sec. 10; SE. ¼ SW. ¼, sec. 14; SW. ¼ SE. ¼, sec. 15; lots 1 and 5, sec. 18; NE. ¼ NE. ¼, sec. 24, T. 143 N., R. 37 W.

C. E. No. 1031, November 27, 1900, Fred S. Bell, lots 1 and 7, SE. ¼ NW. ¼, E. ½ SE. ¼, sec. 6; NE. ¼ SW. ¼, sec. 7; SW. ¼ SW. ¼, sec. 8; SE. ¼ NW. ¼, and W. ½ SW. ¼, sec. 9, T. 143 N., R. 37 W.

C. E. No. 1032, November 27, 1900, Fred S Bell, NE. ¼ NE. ¼, lot 2, sec. 10; N . ½ SE. ¼, SW. ¼ SE. ¼, sec. 11, T. 143 N., R. 37 W.

C. E. No. 1033, November 27, 1900, Fred S. Bell, NE. ¼ NE. ¼, S. ½ NE. ¼, NW. ¼ and S. ½, sec. 12, T. 143 N., R. 37 W.

C. E. No. 1034, November 27, 1900, Fred S. Bell, N. ½ NE. ¼, SW. ¼ NE. ¼, SE. ¼ NW. ¼, NE. ¼ SW. ¼, SE. ¼ SE. ¼, sec. 13; SW. ¼ NE. ¼, E. ½ NW. ¼, NE. ¼ SW. ¼, SW. ¼ SW. ¼, sec. 14; lot 12, sec. 18; SW. ¼ NE. ¼, SE. ¼ NW. ¼, SW. ¼ SE. ¼, sec. 22, and SE. ¼ NW. ¼, sec. 25, T. 143 N., R. 37 W.

C. E. 1035, November 27, 1900, Fred S. Bell, SE. ¼ SW. ¼, N. ½ SE. ¼, SW. ¼ SE. ¼ sec. 26; NE. ¼ SW. ¼ sec. 27, and lot 7, sec. 30, T. 143 N., R. 37 W.

C. E. 1037, November 27, 1900, Michael H. McCarthy, W. ½ NE. ¼ sec. 8; NE. ¼ NE. ¼, SW. ¼ NW. ¼, SE. ¼ SW. ¼, S. ½ SE. ¼ sec. 9; SE. ¼ SE. ¼ sec. 11; NE. ¼ NE. ¼ sec. 17, lot 3, NW. ¼ SE. ¼ sec. 20, and lot 1, sec. 21, T. 143 N., R. 37 W.

C. E. 1038, November 27, 1900, Michael H. McCarthy, SE. ¼ NE. ¼, NE. ¼ NW. ¼, NE. ¼ SW. ¼ sec. 22; S. ½ NE. ¼, SW. ¼ SW. ¼ sec. 23; N. ½ NE. ¼ sec. 27, and lot 5, sec. 30, T. 143 N., R. 37 W.

C. E. No. 1039, November 27, 1900, Charles S. Gilbert, W. ½ NW. ¼, NE. ¼ SW. ¼, lots 2, 3, 4, N. ½ SE. ¼, SE. ¼ SE. ¼, and lot 1, sec. 17, T. 143 N., R. 37 W.

C. E. 1040, November 27, 1900, Charles S. Gilbert, SE. ¼ NE. ¼, lots 2, 6, 7, 8, 9, 10, and 11, sec. 18; lots 3, 4, 5, 6, sec. 19, and S. ½ SE. ¼ sec. 20, T. 143 N., R. 37 W.

C. E. 1041, November 27, 1900, Charles S. Gilbert, W. ½ NE. ¼, SE. ¼ NE. ¼, lots 2, 3, 4, SE. ¼ NW. ¼, NE. ¼ SW. ¼, S. ½ SW. ¼, lot 6, N. ½ SE. ¼, SW. ¼ SE. ¼ sec. 28, T. 143 N., R. 37 W.

C. E. 1042, November 27, 1900, Charles S. Gilbert, lots 2, 3, 4, 5, NW. ¼ NE. ¼, NW. ¼, NW. ¼ SW. ¼, S. ½ SW. ¼ sec. 29, T. 143 N., R. 37 W.

C. E. No. 1043, November 27, 1900, Charles S. Gilbert, lots 1, 6, 8, SE. ¼ NW. ¼, NE. ¼ SW. ¼, SE. ¼ SW. ¼, and SE. ¼ sec. 30, T. 143 N., R. 37 W.

C. E. No. 1044, November 27, 1900, William F. Brooks, lots 7, 8, 9, 10, 11 sec. 19; lots 1, 2, 4, 5, and 6, SE. ¼ NE. ¼, NW. ¼ NW. ¼, E. ½ SW. ¼ sec. 20, T. 143 N., R. 37 W.

C. E. 1045, November 27, 1900, William F. Brooks, lot 2, sec. 21; SW. ¼ NW. ¼, NW. ¼ SW. ¼, NW. ¼ SE. ¼ sec. 22; NW. ¼ NE. ¼, N. ½ NW. ¼ sec. 23; NW. ¼ NE. ¼ sec. 24; N. ½ SE. ¼ sec. 25; W. ½ NE. ¼, W. ½ NW. ¼, SE. ¼ NW. ¼ sec. 26, T. 143 N., R. 37 W.

C. E. 1046, November 27, 1900, William F. Brooks, S. ½ NE. ¼, NE. ¼ NW. ¼, SW. ¼ NW. ¼, W. ½ SW. ¼, SE. ¼ SW. ¼ sec. 27, T. 143 N., R. 37 W.

C. E. 1047, November 28, 1900, Thomas Munroe, NE. ¼ NE. ¼, S. ½ NE. ¼, lots 1, 2, SE. ¼ NW. ¼ sec. 31, T. 143 N., R. 37 W.

C. E. 1048, November 28, 1900, Luther Davies, NW. ¼ NE. ¼, NE. ¼ NW. ¼, E. ½ SW. ¼, lot 3, NW. ¼ SE. ¼, SE. ¼ sec. 31; NE. ¼ NE. ¼, NW. ¼ NW. ¼, W. ½ SW. ¼, NE. ¼ SE. ¼ sec. 32; NW. ¼ NW. ¼ sec. 33; lot 2, sec. 34, T. 143 N., R. 37 W.

C. E. 1049, November 28, 1900, Luther Davies, NE. ¼ NE. ¼, S. ½ NE. ¼, NE. ¼ SW. ¼, sec. 12, T. 144 N., R. 37 W.

C. E. 1050, November 28, 1900, Hovey C. Clarke, NE. ¼ SE. ¼, SW. ¼ SE. ¼, sec. 31; S. ½ NE. ¼, NE. ¼ NW. ¼, SW. ¼ NW. ¼, SE. ¼ SE. ¼, sec. 32; NE. ¼ and NE. ¼ NW. ¼, sec. 33, T. 143 N., R. 37 W.

C. E. 1051, November 28, 1900, Hovey C. Clarke, N. ½ NW. ¼, SE. ¼ NW. ¼, NW. ¼ SW. ¼, SE. ¼ SW. ¼, NW. ¼ SE. ¼, sec. 34; SW. ¼ NE. ¼, SW. ¼ NW. ¼, lot 1, sec. 35, T. 143 N., R. 37 W.

C. E. 1052, November 28, 1900, Hovey C. Clarke, lot 2, sec. 1; NW. ¼ NE. ¼, SE. ¼ SE. ¼, sec. 12; N. ½ NE. ¼, sec. 13; SE. ¼ NW. ¼, sec. 14; N. ½ NW. ¼, W. ½ SW. ¼, sec. 15; NE. ¼ NW. ¼, sec. 18; W. ½ NE. ¼, SE. ¼ NE. ¼, sec. 19, T. 144 N., R. 37 W.

C. E. 1053, November 28, 1900, Hovey C. Clarke, NE. ¼, S. ½ NW. ¼, NW. ¼ SW. ¼, sec. 21; N. ½ SW. ¼, SE. ¼ SW. ¼, sec. 22; SE. ¼ NE. ¼, W. ½ SE. ¼, sec. 23, T. 144 N., R. 37 W.

C. E. 1054, November 28, 1900, Hovey C. Clarke, lots 1, 2, 3, W. ½ SE. ¼, SE. ¼ SE. ¼, sec. 24; N. ½ NE. ¼, lot 7, sec. 25; NE. ¼ NE. ¼, sec. 27; SE. ¼ SW. ¼, sec. 30; NW. ¼ NE. ¼, NE. ¼ SW. ¼, and SW. ¼ SE. ¼, sec. 32, T. 144 N., R. 37 W.

C. E. 1055, November 28, 1900, Hovey C. Clarke, NE. ¼, SE. ¼ NW. ¼, sec. 26; SE. ¼ SE. ¼, sec. 28, T. 145 N., R. 37 W.

C. E. 1056, November 28, 1900, Marshall H. Alworth, lot 1, sec. 34, T. 143 N., R. 37 W.

C. E. 1057, November 28, 1900, Marshall H. Alworth, S. ½ SW. ¼, sec. 10; SW. ¼ NE. ¼, SE. ¼ NW. ¼, NE. ¼ SW. ¼, S. ½ SW. ¼, N. ½ SE. ¼, SW. ¼ SE. ¼, sec. 11; N. ½ SE. ¼, SW. ¼ SE. ¼, sec. 12; lots 1 and 2, SE. ¼, sec. 13, T. 144 N., R. 37 W.

C. E. 1058, November 28, 1900, Marshall H. Alworth, NW. ¼ NE. ¼, SE. ¼ SW. ¼ NW. ¼ SE. ¼, sec. 14; SE. ¼ NW. ¼, sec. 15; NE. ¼ SE. ¼, S. ½ SE. ¼, sec. 28; NE. ¼ SW. ¼, sec. 30; lot 1, sec. 31; W. ½ SE. ¼, sec. 33; W. ½ NW. ¼, SW. ¼ SW. ¼, sec. 34, and N. ½ NW. ¼, sec. 35, T. 144 N., R. 37 W.

C. E. 1059, November 28, 1900, Marshall H. Alworth, S. ½ NE. ¼, N. ½ SE. ¼, SE. ¼ SE. ¼, sec. 15; E. ½ SW. ¼, lots 3, 4, SE. ¼, sec. 19; NE. ¼ NE. ¼, sec. 22; SE. ¼ SE. ¼, sec. 27, T. 145 N., R. 37 W.

C. E. 1060, November 28, 1900, Michael H. McCarthy, W. ½ SE. ¼, SE. ¼ SE. ¼, sec. 33, T. 143 N., R. 37 W.

C. E. 1066, November 28, 1900, Charles F. Welles, NW. ¼ NE. ¼, S. ½ SW. ¼, SE. ¼ SE. ¼, sec. 33; W. ½ NE. ¼, SE. ¼ NW. ¼, N. ½ SW. ¼, SE. ¼ SW. ¼, NE. ¼ SE. ¼, sec. 34; SW. ¼ NW. ¼, N. ½ SW. ¼, SE. ¼ SW. ¼, and SE. ¼ SE. ¼, sec. 35, T. 144 N., R. 37 W.

C. E. 1067, November 28, 1900, Charles F. Welles, lots 1 and 2, sec. 1; NE. ¼ SE. ¼, S. ½ SE. ¼, sec. 2, T. 145 N., R. 37 W.

C. E. 1077, November 28, 1900, Fred L. Hampson, SW. ¼ NE. ¼ sec. 7, T. 145 N., R. 37 W.

C. E. 1078, November 28, 1900, Fred L. Hampson, SE. ¼ SW. ¼ sec. 29; NE. ¼ SE. ¼ sec. 31; N. ½ NE. ¼ sec. 32; NW. ¼ NW. ¼ sec. 33, T. 146 N., R. 37 W.

C. E. 1061, November 28, 1900, Michael H. McCarthy, lot 1, SW. ¼ NE. ¼, NW. ¼ SE. ¼, sec. 1; lot 4, SW. ¼ SW. ¼, sec. 4; SE. ¼ NE. ¼, sec. 8; N. ½ NW. ¼, S. ½ SE. ¼, sec. 9; and SE. ¼ SW. ¼, sec. 12, T. 144 N., R. 37 W.

C. E. 1063, November 28, 1900, William F. Brooks, W. ½ NW. ¼, SE. ¼ NW. ¼, W. ½ SW. ¼, SE. ¼ SE. ¼, sec. 26; SE. ¼ NW. ¼, N. ½ SW. ¼, SW. ¼ SW. ¼, and W. ½ SE. ¼, sec. 27, T. 144 N., R. 37 W.

C. E. 1064, November 28, 1900, William F. Brooks, lot 1, sec. 13; SW. ¼ NW. ¼, sec. 27; NE. ¼ NE. ¼, sec. 28, T. 145 N., R. 37 W.

C. E. 1065, November 28, 1900, Richard H. Chute, SE. ¼ SE. ¼, sec. 29; S. ½ NE. ¼, E. ½ SW. ¼, W. ½ SE. ¼, sec. 31, and NE. ¼ NW. ¼, sec. 34, T. 144 N., R. 37 W.

C. E. 1073, November 28, 1900, Carl Hendricksen, NW. ¼ SW. ¼, sec. 6; NE. ¼ SE. ¼, sec. 6; SE. ¼ SE. ¼, sec. 9; SW. ¼ NE. ¼, SW. ¼ SW. ¼, sec. 14; SW. ¼ SE. ¼, sec. 15; W. ½ NE. ¼, NW. ¼ NW. ¼, sec. 27, T. 145 N., R. 37 W.

C. E. 1074, November 28, 1900, Carl Hendricksen, NE. ¼ NE. ¼, sec. 14; SE. ¼ NE. ¼, sec. 29, T. 146 N., R. 37 W.

C. E. 1083, November 28, 1900, Samuel McClure, SW. ¼ SE. ¼, sec. 8; NE. ¼ NE. ¼, sec. 11; E. ½ NE. ¼, NE. ¼ SE. ¼, sec. 17; NE. ¼ NE. ¼, S. ½ NE. ¼, sec. 18; NW. ¼ NE. ¼, E. ½ NW. ¼, and lot 1, sec. 30, T. 145 N., R. 37 W.

C. E. 1084, November 28, 1900, Samuel McClure, N. ½ NE. ¼, SE. ¼ NE. ¼, NE. ¼ SE. ¼, N. ½ SW. ¼, S. ½ SE. ¼, sec. 33; NE. ¼ NE. ¼, sec. 34, T. 145 N., R. 37 W.

C. E. 1086, November 28, 1900, Willis J. Walker, S. ½ NE. ¼, NE. ¼ SW. ¼, NE. ¼ SE. ¼, sec. 22; NE. ¼ SW. ¼, and SE. ¼, sec. 23, T. 145 N., R. 37 W.

C. E. 1087, November 28, 1900, Willis J. Walker, W. ½ NE. ¼, SE. ¼ NE. ¼, N. ½ NW. ¼, SW. ¼, N. ½ SE. ¼, SE. ¼ SE. ¼, sec. 24, T. 145 N., R. 37 W.

C. E. 1088, November 28, 1900, Willis J. Walker, NE. ¼ NE. ¼, S. ½ NE. ¼, NW. ¼, and S. ½, sec. 25, T. 145 N., R. 37 W.

C. E. 1089, November 28, 1900, Willis J. Walker, NW. ¼ NW. ¼, W. ½ SW. ¼, SE. ¼, sec. 26; E. ½ NW. ¼, SW. ¼, N. ½ SE ¼, and SW. ¼ SE. ¼, sec. 27, T. 145 N., R. 37 W.

C. E. 1090, November 28, 1900, Willis J. Walker, SE. ¼ NE. ¼, NE. ¼ SE. ¼, sec. 28; NW. ¼ NE. ¼, SE. ¼ NE. ¼, NE. ¼ NW. ¼, S. ½ NW. ¼, N. ½ SW. ¼, SW. ¼ SW. ¼, sec. 34; NE. ¼ NE. ¼, NW. ¼ NW. ¼, sec. 35, T. 145 N., R. 37 W.

C. E. 1091, November 28, 1900, Otis Staples, lot 1, sec. 1; SE. ¼ SW. ¼, lot 4, sec. 7; W. ½ SE. ¼, sec. 13; NE. ¼ SE. ¼, sec. 20; NW. ¼ NW. ¼, W. ½ SW. ¼, sec. 21; NE. ¼ NE. ¼, sec. 24; NE. ¼ NE. ¼, sec. 25; NW. ¼ NW. ¼, sec. 27; W. ½ NW. ¼, sec. 28, T. 146 N., R. 37 W.

C. E. 1092, November 28, 1900, Otis Staples, S. ½ SE. ¼, sec. 29; SW. ¼ NE. ¼. S. ½ NW. ¼, NE. ¼ SW. ¼, NW. ¼ SE. ¼, sec. 32, T. 146 N., R. 37 W.

C. E. 1093, November 28, 1900, Otis Staples, E. ½ SW. ¼, NW. ¼ SE. ¼, sec. 8; W. ½ NE. ¼, W. ½ SE. ¼, sec. 17; W. ½ NE. ¼, lots 1 and 2, sec. 20; NW. ¼ SW. ¼, lot 4, sec. 22, T. 148 N., R. 35 W.

C. E. 1094, November 28, 1900, Otis Staples, N. ½ NE. ¼, lots 2, 3, sec. 27; E. ½ NW. ¼, sec. 29; lots 2, 3, sec. 31, T. 148 N., R. 35 W.

C. E. 1095, November 28, 1900, Andrew P. Moen, SE. ¼ SE. ¼, sec. 9, T. 146 N., R. 37 W.

Under departmental order of December 11, 1900, all action looking to the approval or confirmation of said sale of pine lands was suspended until further ordered by the department.

Under date of November 18, 1902, the department stated that the matter of the above-mentioned sale had theretofore been inquired into by representatives of the department, and the effect of their reports was: First, that there was such a combination and agreement among the bidders at the sale as prevented competition among the bidders, and prevented the lands from selling at their fair value; and, second, that the estimates of the amount of pine timber upon the tracts sold, and which under the law controlled a minimum bid which could be received, had been so carelessly and incompetently made, and so grossly underestimated the amount of pine timber upon the several tracts, as to prevent their being accepted as any proper or lawful

basis or criterion for determining the value of the land or the minimum price at which the same could be lawfully sold, and that this underestimation was at and before the time of the sale fully known by the persons who became successful bidders.

In the same letter this office was directed to forthwith take such proceedings and order such hearings, and give such notice as under existing regulations and practice may be necessary and appropriate to fully investigate and ascertain the facts respecting such sale, with a view to the cancellation of the entries of the several purchasees, it [sic] if be found that they are not rightfully entitled to maintain and hold the same.

By letter "C" of November 21, 1902, the local officers at Crookston, Minn., were directed to advise the entrymen above named,——— ———, that they were allowed 30 days from notice to show cause why their entries should not be canceled for illegality, and that should they fail to take action within the time specified, their entries would be held for cancellation.

Under date of January 3, 1903, the department directed this office to at once instruct the local officers by wire, if necessary, that when said purchasers made the showing required of them in said notice, the said local officers shall at once forward the same to this office with such recommendations as they may deem advisable in the premises, together with the names of such purchasers as failed to make any showing whatever after having been duly notified so to do, and that on receipt of said report, this office was instructed to advise the department thereof stating which of said purchasers have made the showing required in said notice, and which of said purchasers have failed to make such showing.

Under dates of January 3, 5, 6, 7, 8, 10, and 14 the local officers transmitted the showing made by each of the entrymen above named. The papers show that notice was served on each of said parties by registered letter on December 5, 1902.

The showing made by each party in support of his entries is as follows:

Hovey C. Clarke: Clarke alleges that he has been in the logging business for some years last past; that he hired some men who he believed were honest and experienced timber cruisers to make estimates of the pine timber to be sold, and compare such estimates with the estimates made for the Government; that in some instances the estimates made by the men employed by him were higher than those made for the Government, while in other instances the estimates were lower; that he had nothing whatever to do with the estimates made by the Government, and has no information that those estimates were carelessly or incompetently made; that according to his information a very fair estimate had been made by the men employed by the Government; that the competition in bidding at the sale was so strong that he was compelled to pay more for some tracts of land than he considered the same worth, and other tracts which he desired to purchase were bid so high that he could not afford to take them; that the prices paid by him represent the fair value of the land purchased; that he did not enter into any agreement with any person whomsoever among the bidders at said sale to prevent the lands from selling at their fair value.

F. W. Heimick makes affidavit that he resides at the city of Duluth, Minn.; that he is engaged in the business of buying and selling pine lands and pine timber; that he was present at the sale of said pine lands on the dates mentioned; that said sale was attended by a large number of persons, many of whom participated in bidding for a great many different tracts of land, and that there was active and strong competition between bidders upon a great many different tracts; that he did not bid himself or purchase any lands at said sale, but he was in possession of estimates of a large number of different tracts, which estimates were made for the purpose of testing the accuracy of the Government estimates, and, in his judgment, taken as a whole, the lands sold at said sale brought all they were fairly worth at that time; that the number of persons present at said sale from time to time exceeded fifty, and at least twenty-five different persons were bidders in competition at different times.

Michael H. McCarthy: McCarthy makes affidavit that his bid for the tracts purchased by him was made in good faith and that he paid a fair and reasonable price therefor; that he did not agree with any person or persons not to bid over a certain price for said lands and he did not have any understanding with any person or persons not to raise bids; that he knew nothing of the alleged underestimates of the Government agents at the date of said sale; that he did not bid on several tracts because of others bidding more than in his judgment the property was worth. His affidavit is accompanied by the affidavit of F. W. Heimick, similar to the statements given above in connection with the showing made by Clarke.

Willis J. Walker: Walker makes affidavit that he is engaged in the business of buying and selling pine and other timber lands in large quantities; that upon learning of the sale of the pine lands in the four ceded townships of the White Earth Reservation he sent timber estimaters in to carefully estimate said land, expending about a thousand dollars therefor; that said estimaters were competent men who had made previous estimates for him; that their estimates were in some cases higher than the

Government estimates, and in a great many cases were lower; that he attended said sale, believing that the Government estimates were fairly and conscientiously made; that he made his purchase under very sharp competition from a great many bidders, and on almost every tract purchased he had to pay a large advance on the appraised value; that all the land purchased by him lay in the western part of township 145 north, 37 west, which immediately joined a large bunch of timber in which he was interested, and he desired to get enough timber to warrant the construction of a logging railroad some twenty miles in length from the Great Northern Railroad at Solway, and for this purpose paid at the sale more than anyone else would; that after the sale said road was constructed with the expectation of carrying the timber purchased, and said road is now in operation; that he was present during the entire time of sale and the competition and bidding was continuous; that he entered into no agreement, arrangement, or combination whatever with any person or persons whatever to refrain from bidding at said sale, or for the purpose of preventing competition for the lands at their full value. His affidavit is also accompanied by the affidavit of F. W. Heimick, similar to that stated above.

Marshall H. Alworth: The attorneys for M. J. Scanlon state that in June, 1902, Scanlon purchased of Alworth all of his right, title, and interest in and to all the pine lands purchased by Alworth at the sale above mentioned, his wife joining in the conveyance; that they conveyed and assigned to Scanlon all their right, title, and interest in the lands purchased by Alworth; that Scanlon denies that there was any combination or agreement among the bidders at said sale to prevent competition, and that the estimates made by the Government had been grossly or otherwise underestimated, or carelessly or incompetently made so as to prevent their being accepted as a proper and lawful basis or criterion for the value of the land or timber; that the sale was fairly and honestly conducted, the bidding on many of the tracts was spirited, and in many instances the sale was made for more than the property was fairly worth.

Scanlon makes affidavit that the response of his attorneys is true of his own knowledge, except as to matters therein stated on information and belief, and as to such matters he believes them to be true. See also Alworth's affidavit in R. and R. letter of Jan'y 8, 1903.

Fred S. Bell: Bell makes affidavit that he was represented at said sale by B. J. Hinkle, of Little Falls, Minn.; that affiant did not enter into any agreement or combination whatever with any person or party whatsoever, and that he believes the lands purchased by him were sold for all they were worth.

Hinkle makes affidavit that most of the lands bid in for Mr. Bell contained a very small quantity of pine; that he had in his possession estimates made by timber cruisers which vary somewhat from the estimates made by the Government; but the differences were not at all uniform, but taken as a whole the estimates did not vary any more than very frequently occurs where different parties employ different sets of estimators; that in his judgment all of the lands bid in by Mr. Bell were sold for their fair value; that he did not make or enter into any combination or agreement to prevent competition in bidding upon any lands offered for sale at that time. See inclosed copies of letters "C" of Jan. 3 and 22, 1903, in regard to Bell's entries.

Charles S. Gilbert: Gilbert makes affidavit that upon securing descriptions of the lands to be offered for sale he employed estimators to examine the lands, paying about $1,500 for the purpose; that he bid on several tracts besides those purchased by him, and on some lands purchased by him he paid more than the land was worth, as he desired to purchase and bid on land in a reasonably compact form; that he had no knowledge who the Government estimators were; that he did not enter into any agreement or combination to prevent competition at the sale; and that the lands sold to him were at a fair and reasonable price and that he made his purchase in good faith.

William F. Brooks: Brooks's showing varies very little from the foregoing. He claims to have had a private estimate made on certain tracts; that there was strong competition in bidding at the sale; that he did not enter into any combination to prevent bidding; and that his purchases were made in good faith. His affidavit is also accompanied by that of F. W. Heimick, who makes statements similar to those set out in connection with the showing by Clarke.

Carl Hendricksen: Hendricksen makes affidavit that he was not in collusion with any other person or persons whatsoever, and had no arrangement, agreement, or understanding of any kind whatever with any other bidder at the sale, and that his purchases were made in good faith.

Lewis Ellington and A. P. Hanson, cashier and assistant cashier of the Scandia-American Bank, of Crookston, Minn., make affidavit to the reliability of Mr. Hendricksen.

Samuel McClure: McClure states under oath that there was considerable competition for the tracts purchased by him; that he had nothing whatever to do with making Government estimates; that he did not know any of the men who made the same;

that he made his purchases in good faith without having made any agreement to prevent competition in bidding.

Luther Davis: Davis alleges that his purchases were made in good faith; that there was strong competition in the bidding; that his purchases were for himself and were made independent of any corporations, companies, or individuals.

William Kaiser: Kaiser states under under oath that he has no knowledge that invalidated his sale nor any reason why the same should be canceled; that he was not in collusion with anyone in making his purchase.

Thomas Munroe: Munroe states he lives at Muskegon, Mich.; that he purchased land at said sale in active competition with other bidders and made his purchases in good faith; that he would have purchased more land at the sale but the prices were too high, in his judgment; that he never made any agreement or combination whatever in relation to the sale or the bidding; that he knew nothing in reference to the Government estimates.

Richard H. Chute: Chute makes affidavit that he did not make any agreement with any other person or party, either before or at said sale, to prevent competition in bidding; that there were at least fifty people bidding at different times; that he had no knowledge concerning the accuracy or fairness of the Government estimates.

Charles F. Welles: Welles makes affidavit that he is a stockholder in the Brainerd Lumber Company, a corporation engaged in the manufacture of lumber at Brainerd, Minn.; that he made his purchases for said company; that he was obliged to compete with others; that he paid all the land was reasonably worth; that he entered into no agreement or arrangement of any kind whereby he agreed not to bid on any particular tracts, or whereby others agreed not to bid against affiant.

Fred L. Hampson: Hampson makes affidavit that his purchases were made in good faith; that there was active competition and he paid all the lands were worth; that he has since found that the pine was not underestimated; that he knew of no combination, and is positive there could have been none, that had any influence in affecting the bidding on said lands.

Otis Staples: Staples makes affidavit that his purchases were made in good faith; that he did not enter into any agreement or arrangement of any kind designed to or affecting the prices bid for said land.

A full report in regard to the purchases of Staples was made to the department under date of December 30, 1902.

Andrew P. Moen: Moen makes affidavit that he attended said sale for the purpose of purchasing five tracts, but by reason of his small means and the high prices at which tracts were sold he was able to secure but one forty; that he had no knowledge of any combination among the bidders; that he bid for the land all that it was worth, and that he had no knowledge of any fraud on the part of the estimaters.

The following table will show the names of the purchasers, the acreage covered by each of their entries, as well as the appraised value and the price paid:

Purchaser.	Entry No.	Acreage.	Appraised value.	Price paid.
Hovey C. Clarke	1016	400.03	$607.03	$607.03
Do	1017	318.44	1,311.00	1,544.00
Do	1018	331.40	2,175.00	2,250.00
Do	1019	406.66	1,862.00	2,215.00
Do	1020	550.00	4,818.00	5,179.00
Do	1021	560.00	1,276.00	1,621.00
Do	1022	599.85	5,470.00	7,228.00
Do	1023	360.00	582.00	732.00
Do	1050	480.00	2,715.00	3,546.00
Do	1051	348.25	2,586.00	2,716.00
Do	1052	562.17	6,298.00	6,795.00
Do	1053	520.00	1,954.00	1,954.00
Do	1054	561.25	4,858.00	4,858.00
Do	1055	240.00	3,075.00	3,075.00
		6,298.05	39,587.03	44,330.03
William Kaiser	1024	40.00	51.00	220.00
Marshall H. Atworth	1025	477.49	3,375.00	3,360.00
Do	1026	633.50	5,480.00	5,624.00
Do	1027	440.00	847.00	1,035.00
Do	1028	340.10	3,346.00	3,878.00
Do	1056	39.60	120.00	120.00
Do	1057	630.40	9,092.00	9,163.00
Do	1058	636.56	5,012.00	5,017.00
Do	1059	588.10	2,698.13	3,791.00
		3,825.75	30,021.13	32,398.00

Purchaser.	Entry No.	Acreage.	Appraised value.	Price paid.
Luther Davies	1029	318.44	$795.49	$828.49
Do	1030	255.30	905.00	1,158.00
Do	1048	573.24	4,608.00	7,549.00
Do	1049	160.00	8,115.00	8,815.00
		1,306.98	14,423.49	18,350.49
Fred S. Bell	1031	397.05	1,499.00	1,533.00
Do	1032	140.05	239.00	266.00
Do	1033	600.00	1,014.00	1,220.00
Do	1034	615.75	1,602.00	2,393.00
Do	1035	237.18	1,138.00	1,138.00
		1,990.03	5,492.00	6,550.00
Michael H. McCarthy	1037	447.00	1,971.00	2,021.00
Do	1038	322.00	884.00	899.00
Do	1060	120.00	900.00	900.00
Do	1061	444.24	2,268.40	2,387.40
		1,333.24	6,023.40	6,107.40
Charles S. Gilbert	1039	370.65	7,535.00	7,749.00
Do	1040	601.73	11,487.00	12,795.00
Do	1041	519.40	3,720.00	3,754.00
Do	1042	451.85	2,775.00	2,805.00
Do	1043	393.93	3,210.00	3,246.00
		2,337.56	28,727.00	30,349.00
Thomas Munroe	1047	234.34	2,202.00	3,485.00
Wm. F. Brooks	1044	495.50	6,193.81	7,123.00
Do	1045	610.75	1,094.00	1,167.00
Do	1046	280.00	687.00	688.00
Do	1063	480.00	1,459.00	1,459.00
Do	1064	120.00	441.00	580.00
		1,986.25	9,874.81	11,017.00
Richard H. Chute	1065	320.00	1,352.00	1,352.00
Carl Hendricksen	1073	360.37	648.00	1,469.00
Do	1074	80.00	125.00	225.00
		440.37	773.00	1,694.00
Samuel McClure	1083	473.98	887.00	1,975.00
Do	1084	360.00	1,363.00	1,372.00
		833.98	2,250.00	3,347.00
Willis J. Walker	1086	360.00	1,268.00	2,010.00
Do	1087	480.00	3,532.00	5,170.00
Do	1088	600.00	8,538.00	10,475.00
Do	1089	640.00	6,767.00	7,017.00
Do	1090	480.00	1,976.00	2,040.00
		2,560.00	22,081.00	26,712.00
Otis Staples	1091	549.24	2,459.39	3,023.93
Do	1092	280.00	903.00	1,255.00
Do	1093	500.35	719.00	719.00
Do	1094	306.97	560.15	560.15
		1,636.56	4,641.54	5,558.08
Andrew P. Moen	1095	40.00	50.00	80.00
Charles F. Welles	1066	640.00	3,651.00	3,651.00
Do	1067	201.32	1,707.00	1,707.00
		841.32	5,358.00	5,358.00
Fred L. Hampson	1077	40.00	50.00	125.00
Do	1078	200.00	801.00	1,085.00
		240.00	851.00	1,210.00
Grand total		26,264.43	173,758.40	198,108.00

It will be seen therefrom that with few exceptions all of the purchasers paid more than the appraised price for the land covered by each entry. The total price paid is $24,349.60, or over 14 per cent more than the appraised value of the lands.

In their reports the local officers stated that the showing made by each party tends to show no collusion or combination among the bidders, and that the reputation of the parties, as well as their personal observations at the sale, lead them to believe that the statements made are substantially true, and for the said reasons the local officers recommend that the suspension be removed.

I have examined extracts from the report of the inspector of the department who investigated this sale. It appears therefrom that Luther Davies was a heavy buyer on the first day of the sale, and that while he was bidding the lands generally sold for a large excess over their appraised value. He ceased bidding on the morning of the second day, leaving the room with Thomas Shevlin, who was associated with Clarke in purchasing these lands. The inspector characterizes Davies as a bluffer, and states that he was hired to withdraw from the sale.

After Davies ceased bidding, according to the report, Clarke purchased 42 tracts at the appraised price, while for 104 tracts purchased while Davies was bidding he paid an excess of 16 per cent above the estimated valuation. Chute also bought 8 tracts and Welles 20 tracts at the appraised valuation, after Davies had retired. Then Almond A. White, classed as an independent purchaser, commenced bidding, and was compelled to pay 67 per cent above the appraised value for the tracts purchased by him.

The inspector is of the opinion that the principal buyers at said sale, Davies and White excepted, entered into a combination to divide the territory and to refrain from bidding against each other.

He also states that Gilbert, McCarthy, McAlpine, Chute, Welles, Walker, and others were permitted to take whole sections at the appraised value, provided they kept within their allotments. Chute and Bell appear to have both been buying for the Weyerhaeuser syndicate.

The inspector in a special report gives the names of persons who will testify concerning the combination if compelled to do so by a proper tribunal, but that they will not voluntarily testify, and for one reason or another do not wish to testify in the matter.

He states that one of them "will swear specifically as to what he heard the night before the sale about a combination, giving names of parties who were making the deal." Another party "will swear specifically as to what was said and done by the large buyers to freeze out Luther Davies and others."

Another will swear "to important facts bearing on the existence of a combination to prevent competition at the sale," another "to the existence of a combine and the terms upon which he was offered admission to it," and another "to important facts tending to show the existence of a combination at the sale." Still another "will swear to the existence of a combination among the heavy buyers and his experiences with them," and another "to the existence of a combination and its effects upon the prices at the sale."

The statements as to what these witnesses will swear is indefinite. A bill entitled "A bill providing for the compulsory attendance of witnesses before registers and receivers of the Land Office" has passed both Houses of Congress (enrolled H. R. 7664), and if this bill becomes a law the attendance of these parties at the district land office can be compelled.

The large buyers at said sale were Clarke, Alworth, Gilbert, Walker, Brooks, Bell, McCarthy, and Staples. In the consideration of the statement that they had apportioned the territory, and were allowed to purchase entire sections at the estimated price, provided they confined their purchases to the territory agreed upon, I have marked off on township diagrams, appropriately indexed, the tracts purchased by each party at said public sale, and the same is herewith inclosed. It appears therefrom that the heaviest buying was done on T. 143 N., R. 37 W., that Clarke, Alworth, Davies, McCarthy, Bell, Gilbert, and Brooks were liberal purchasers of lands in said townships, and that with few exceptions two or more parties bought land in the several sections. As a matter of fact, the purchases made by these parties are well interspersed throughout the township. Clarke's purchases are scattered all through the township, which is also true of Alworth. Gilbert's land is located in the east half of the township, but Clarke, Alworth, Brooks, McCarthy, and Davies bought land in the midst of Gilbert's purchases. During the disposal of this township, Davies was a bidder, and his purchases are scattered over fourteen sections, very few of the tracts being contiguous. This might indicate that he was not purchasing the lands simply for the timber thereon, but that some other motive induced him to bid. He ceased purchasing after the sale had passed sec. 12, T. 144 N., R. 37 W. Thereafter the

purchases in said townships are scattering, and it can not be determined therefrom whether or not the lands had been apportioned.

When township 145 N., R. 37 W. was reached, White, Hicks, and Erickson entered the list of buyers and made liberal purchases. All of their entries, as well as those made by McAlpine, have been relieved from suspension. In this township are located the purchases by Walker, but in the midst of them are purchases by White, Erickson, Hendricksen, Brooks, Clarke, McClure, and Alworth. Staples' lands are in T. 146 N., R. 37 W., and T. 148 N., R. 35 W. He is the only person who purchased land in the last-mentioned township at the public sale, and made such purchases at the estimated price, but he paid a good advance for the lands purchased in T. 146 N., R. 37 W., where it would seem he had to compete with White, Erickson, Hendricksen, and Hampson.

I do not find that any one purchaser bought an entire section of land, though Gilbert, Bell, and Walker each came within one and two tracts of doing so.

The showing made by the inspector raises the suspicion that there was some sort of an arrangement among the purchasers at said sale, and that perhaps the territory was apportioned among them. The inspector has also shown that the timber on some of the tracts was underestimated.

At the same time it has not been shown that the purchasers were in any way connected with such underestimation of the timber. I am also of opinion that there are not enough facts which can be proved to demonstrate with reasonable certainty the existence of a fraudulent combination. On proving the existence of such a combination the Government would have to rely upon the evidence of persons not parties thereto. The latter could avail themselves of their statutory privilege of refusing to testify, as under sec. 2373 R. S., U. S., they would be liable to criminal prosecution upon proof of their connection with such an agreement. This would apply to Davies as well as the other buyers.

Under the circumstances I do not feel justified in recommending that a hearing be ordered in these cases. Before ordering a hearing the Government should know definitely what facts can be proved and should have a prima facie case. Otherwise there would be a risk that the Government would lose its suit, and thereby injuriously affect its interests in future hearings, even in good cases.

There is nothing submitted to connect Hendricksen, Kaiser, Munroe, Hampson, McClure, and Moen with the alleged unlawful combination, and, as stated in my letter of December 30, 1902, the facts tend to show the good faith of Staples. Therefore I recommend that their entries be relieved from suspension. If Davies entered into a combination, it was not until after he had ceased buying and would not invalidate the purchases previously made. For this reason I recommend that his entries be relieved from suspension. In view of the uncertainty of proving the existence of an unlawful combination and fraud upon the part of the other purchasers I have to recommend that their entries also be relieved from suspension.

The department had a most energetic and painstaking inspector investigate this sale: and if he could not get sufficient evidence to prove the existence of an unlawful combination at said sale, it seems to this office that it is doubtful if more definite evidence could be produced at a hearing at the local office.

The fact that the matter was investigated was well known, and the length of time which has elapsed since the sale was investigated has been sufficient to enable the parties to take steps to weaken the Government's case.

I inclose the letters from the local officers, dated January 3, 5, 6, 7, 8, 10, and 14, 1903, a letter from M. H. Alworth, dated December 11, 1902, and all the entries above described except those by Staples, which were transmitted with letter "C" of December 30, 1902.

Very respectfully, W. A. RICHARDS, *Commissioner.*

Mr. BURCH. I may say that in connection with this report, before I close, possibly to-day, in theoretical form I think I shall be able to demonstrate to this committee that after the fullness of time, when the statute of limitations might have passed, that the proof became so strong that it would require a "doubting Thomas" to raise a question about it. I will now read into the record section 2373 of the Revised Statutes of the United States, found on page 434:

Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts, or agrees, or attempts to bargain, contract, or agree, with any other person than the last-named person shall not bid upon or purchase the land so offered for sale or any parcel thereof; or who by intimidation or unfair arrange-

ment hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale shall be fined not more than $1,000 or imprisoned not more more than two years, or both.

I now read a certified copy of a letter from the Secretary of the Interior to the Commissioner of the General Land Office, under date of February 18, 1903:

BURCH'S EXHIBIT NO. 11.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, November 13, 1911.

I hereby certify that the annexed copy is a true and literal exemplification of the original letter in this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed at the city of Washington on the day and year above written.

[SEAL.] H. W. SANFORD,
Recorder of the General Land Office.

FEBRUARY 18, 1903.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: In your office letter "C" of the 4th instant you recommended, for reasons stated, that the entries of pine lands on the four ceded townships of the White Earth Reservation and a portion of the Red Lake Reservation, made by the purchasers of said lands at the sale thereof at the Crookston, Minnesota, land office on November 27 and 28, 1900, be relieved from the suspension created by departmental order of December 11, 1900.

After careful consideration of the matter, your recommendation is approved as to all of the purchasers except Luther Davies and Hovey C. Clarke, and the entries of the purchasers, with the exception of the two named above, are relieved from suspension and you are authorized to pass the same to patent if there are no other good reasons existing to the contrary.

Luther Davies, in his affidavit in response to the order to show cause why his entry should not be canceled, makes no denial of his connection with a combination or agreement among the bidders to regulate the bidding and prevent competition.

The inspector in his report, as referred to in your letter, states that Davies ceased bidding on the morning of the second day and left the room with Thomas Shevlin, who was associated with Clarke in purchasing these lands. The inspector also characterizes Davies as a "bluffer" and states that he was hired to withdraw from the sale.

Clarke, in his affidavit in response to the order to show cause why his entry should not be canceled, states: "I did not make or enter into any agreement with any person whomsoever among the bidders at said sale *to prevent said lands from selling at their fair value.*" This statement is ambiguous. It might be inferred to mean that he did enter into such a combination to prevent said lands from selling at more than their fair value or to limit their sale to their fair value.

Until these purchasers file an affidavit such as has been filed by the other purchasers affirmatively showing that they were not parties to any combination or agreement to prevent competition or limit the bidding on the lands offered at said sale and those purchased by them, their entries will remain suspended.

The papers are herewith returned, together with the papers transmitted in the Staples case by your office letter "C" of December 30, 1902.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. GRAHAM. Would you there give us some notion of what the evidence will show as to the difference in value between pine and other kinds of timber?

Mr. BURCH. Not at this time and in this connection, but I think we will very fully in connection with the so-called allotments on the 32 townships at some time later on.

Mr. GRAHAM. One more question—perhaps you can answer it yourself. What is the minimum diameter size of trees in order to be commercially valuable?

Mr. BURCH. This does not state, but I may say that according to recent experiences about 4-inch. In other words, where formerly they used to cut, or rarely cut pine down below 10 inches or 12 inches in diameter, in these later days they cut it down to a point where it will make a broom handle.

Mr. GRAHAM. They are not in the broom-handle business, are they?

Mr. BURCH. Yes; they are somewhat. But they cut it down where it will make a 4 by 4 inch stick. I am stating this now not as a witness, but from my own observation and knowledge of the lumber business. They cut it down where they can get scantling.

Mr. GRAHAM. Four by four inches after taking the four slabs off?

Mr. BURCH. Yes. Now, these affidavits are certified as Nos. 12, 13, 14, and 15. These affidavits marked 12, 13, 14, and 15 go to the untrustworthiness of classification as made under any estimate.

BURCH'S EXHIBIT NO. 12.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 12, 1911.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed copy is a true and literal exemplification of the original affidavit of Thomas Wiltse, dated October 14, 1901, on file in this department.

In testimony whereof I have hereunto subscribed my name, and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.] CARMI A. THOMPSON,
Assistant Secretary of the Interior.

STATE OF MINNESOTA, *County of Beltrami, ss:*

Thomas Wiltse, being first duly sworn, deposes and says that he is a resident of the town of Bagley, Minnesota; that by occupation he is a civil engineer, lumber scaler, and timber estimator; that in these branches of business he considers himself an expert, having been almost continuously employed therein since 1872; that among the individuals and firms for whom he has estimated timber are Robert Neving, B. F. Brown, Fairbanks and Warren, the Foston Lumber Company, and the Red River Lumber Company, all of Minnesota.

That on the 11th and 12th days of October, 1901, he visited certain pine lands in township 148, range 35 west, being a part of the ceded Red Lake Reservation, and examined several forty-acre tracts and lots said to have been sold to Otis Staples at the sale of pine lands held at the U. S. land office at Crookston, Minnesota, on the 27th and 28th days of November, 1900. That the description and status of these tracts examined by him on the dates named is as follows:

Lots 2 and 3, section 31.

As to these lots, deponent found them denuded of all timber of any commercial value whatever. On lot 2 there are three white pine trees of a diameter of 16 inches, but so rotten and wind-shaken as to be worthless for lumber. There ase the only trees on either lot that are above the classification of bushes and small saplings.

Deponent found that the Clearwater River flows in an easterly course through the southern part of lot No. 2, and that in the southeasterly part of said lot is the abandoned camp of Walker and Bagley. This camp consists of a collection of log houses built for the purpose of accommodating the men and animals necessary for a logging camp, for the storage of supplies, for the repair of tools and implements, and for the safeguarding of the dam. Several of the buildings are old and dilapidated, while others are in good condition and seem to have been repaired at no distant date. The dam is also in good repair and efficient for the storage of the water of the Clearwater River to facilitate the driving of logs. In the vicinity of the dam are a number of logs formed into a boom, and these, as also the logs in the dam and buildings referred to, are without marks to indicate that they have ever been driven, and to all appear-

ances were cut on the said lots 2 and 3. A careful estimate of the contents of the logs in the said buildings, dam, and boom is as follows:

	Feet.
Bunk house	13,000
Two cookhouses	28,000
Three stables	68,000
Blacksmith and carpenter shop	8,000
Root house	3,000
Dam	20,000
Boom logs	2,500
Total	142,500

Deponent estimates three-fourths of said timber to be Norway and one-fourth white pine. Many of the logs are wholly rotten at the present time and few, if any, of them have any value for lumber. The appearance of the stumps on these tracts indicates that the first logging was done many years ago and that the most recent was not within the two years last past.

Lot 4, section 22.

Deponent next visited lot 4, section 22, above township and range, and found it without any commercial timber whatever. Much of the surface is marshy and is covered with a thicket of poplar, birch, and other deciduous trees, while the higher lands are clothed with a dense growth of jack pines, with an occasional Norway, all of the denomination of saplings. There is nothing to indicate that this tract ever had any mature or available pine growing upon it.

NW. ¼ SW. ¼, section 22.

Deponent next visited the northwest quarter of the southwest quarter of section number 22, above township and range, and found it without any standing or down timber of any commercial value whatever, except one Norway pine of the diameter of 18 inches and a height of two logs, which, however, was so crooked as to be practically worthless. This forty-acre tract had at one time a small amount of pine growing upon it, but the stumps do not indicate a sufficient quantity to have brought it within the classification of pineland, viz, ten thousand feet, board measure.

Near the line which separates these two tracts is a dam on Buzzle Creek, a considerable stream which drains Little Buzzle Lake into Buzzle Lake and within sight a few rods below, but across the boundary line of the tract is another dam on the same stream.

Lots 1 and 2, section 20.

Deponent next visited lots 1 and 2, section number 20, and found them in like manner destitute of commercial timber, standing or down. Near the northeast corner of lot 1 is the Buzzle Dam for the purpose of raising the surface of Buzzle Lake for logging purposes. Neither of these tracts appear to have ever had sufficient mature or available pine timber growing upon them to have been classed as pinelands. The growth is jack pines, with an occasional Norway, all of the designation of saplings.

NE. ¼ NW. ¼, section 29.

Deponent next visited the northeast quarter of the northwest quarter of section number 29 and found it in like manner destitute of commercial timber, standing or down. There is no timber growth except a covering of jack-pine saplings, with an occasional small tree of some variety of hardwood. There are no stumps to indicate that this tract ever had a sufficient amount of pine timber growing upon it to entitle it to be classed as pineland. It is on Clearwater River and in the vicinity of Nelsons Dam.

SE. ¼ NW. ¼ section 29.

Deponent next visited the southeast quarter of the northwest quarter of section number 29, adjoining the last named on the south and found it in like manner without commercial timber, standing or down. The forest growth is jack pines with an occasional tree of some variety of hardwood, but all of the designation of saplings. There are no stumps to indicate that this tract was ever entitled to the classification of pinelands. It also is in the immediate vicinity of Nelsons Dam on Clearwater River, maintained and operated by the Stillwater Lumber Company, of which Otis Staples is a member, or reputed to be a member. And deponent further swears that to the best

of his knowledge and belief the dams above referred to are one and all in like manner owned and operated by the said Stillwater Lumber Company, of which Otis Staples is a member, or reputed to be a member. And further deponent saith not.

(Signed) THOMAS WILTSE.

Subscribed and sworn to before me this 14th day of October, 1901, at Bagley, Minnesota.

(Signed) A. R. GREENE,
Special Inspector.

BURCH'S EXHIBIT NO. 13.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 12, 1911.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed copy is a true and literal exemplification of the original affidavit of Thomas Wiltse, dated October 16, 1901, on file in this department.

In testimony whereof I have hereunto subscribed my name, and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.] CARMI A. THOMPSON,
Assistant Secretary of the Interior.

STATE OF MINNESOTA, *County of Beltrami, ss:*

Thomas Wiltse, of lawful age, being first duly sworn, deposes and says that he is and for the nine years last past has been a resident of Minnesota; that by occupation he is a civil engineer, lumber scaler, and timber estimator and that in these lines of business he considers himself an expert, having been almost continuously engaged therein in the lumber regions of Wisconsin and Minnesota since 1872.

That on the 14th and 15th days of October, 1901, he visited certain pine lands in township 146, range 37, being a part of the ceded White Earth Reservation lands of Minnesota, and examined several forty-acre tracts thereon which have been homesteaded and others said to have been sold at the sale of pine lands held at Crookston local land office on the 27th and 28th days of November, 1900. That said examinations were made with a view of ascertaining the amount of living pine timber thereon and incidentally the amount of dead-and-down pine contained in the said tracts. That in order to do this correctly affiant ascertained the location of the tracts hereinafter described by the use of plats, field notes, and a compass and chain, finding the bearing trees, reestablishing the corners, and retracing the lines in the usual and proper manner, and that the descriptions and status of the tracts examined by him on the dates named are as follows, to wit:

SW. ¼ SW. ¼ section 3.

This tract has 14,000 feet of living white and Norway pine upon it and a smaller quantity, probably 3,000 feet, of dead-and-down pine of both varieties.

SW. ¼ SE. ¼ section 4.

This tract has 13,000 feet of living white and Norway pine upon it and about 3,000 feet of dead standing and down pine.

SE. ¼ SE. ¼ section 9.

This tract has 6 living white pines and 45 living Norway pines upon it and at a conservative estimate the former will produce 4,000 feet and the latter 18,000 feet of lumber, board measure. There is not less than 5,000 feet of dead standing and down pine on this tract.

NW. ¼ NW. ¼ section 27.

This tract contains 99 living white-pine trees, which at a conservative estimate will produce 89,000 feet of lumber, board measure. It also contains 68 dead standing and down pine trees, which will produce, after making the usual allowance of one-third for wastage over living timber, 41,000 feet of lumber, board measure.

SW. ¼ NE. ¼ section 28.

This tract contains 16 living white-pine trees and 5 living Norway pine trees, which upon a conservative estimate will produce 13,500 feet of lumber, board measure. It also contains 15 dead standing and down pine trees, which, after making the usual allowance for wastage on account of dead timber, will produce 9,500 feet of lumber, board measure.

NW. ¼ SW. ¼ section 28.

This tract contains 68 living white-pine trees, which, upon a careful and conservative estimate, will produce 61,200 feet of lumber, board measure. It also contains sufficient dead standing and down pine to produce 65,000 feet of lumber, board measure. Also, the size and appearance of the stumps and position of the tops of trees felled within a period of two or three years indicate that not less than one hundred thousand feet of white-pine timber has been removed from this tract, a large majority of which was living timber at the time it was cut.

SW. ¼ SW. ¼ section 28.

This tract contains 29 living white-pine trees, which, upon a conservative estimate, will produce 26,000 feet of lumber, board measure. It also contains sufficient dead standing and down pine timber to produce 15,000 feet of lumber, board measure. Several of these down trees have fallen recently and are as yet uninjured for lumber.

NE. ¼ SE. ¼ section 29.

This tract contains 216 living white-pine trees, which, upon a conservative estimate, will produce 75,600 feet of lumber, board measure; also, 14 living Norway pine trees which will produce 9,000 feet of lumber, board measure. This tract also contains sufficient dead standing and down pine timber to produce 50,000 feet of lumber, board measure. Also, the size and appearance of the stumps and position of the tops of trees felled within a period of two or three years indicate that not less than one hundred thousand feet of white-pine timber has been removed from this tract, the major portion of which was living at the time it was cut. And affiant further swears that to the best of his knowledge and belief the Wild Rice Lumber Company, of Ada, Minnesota, obtained this timber under a permit to cut dead-and-down timber, as also that recently cut on the northwest quarter of the southwest quarter of section twenty-eight, referred to above.

SE. ¼. SE. ¼ section 29.

This tract contains 129 living white-pine trees, which, upon a careful and conservative estimate, will produce 97,200 feet of lumber, board measure. It also contains 9 living Norway pines, which will produce 6,500 feet of lumber, board measure. This tract also contains sufficient dead standing and down timber to produce, after making the usual allowance for the greater wastage on account of dead timber, one hundred thousand feet of lumber, board measure. Many of the dead standing have died recently and a number of the down have fallen within a few months and are as yet uninjured. One of these latter measured 42 inches in diameter four feet from the roots and 18 inches a distance of 66 feet from the roots, 45 feet of said distance being without limbs, knots, or any blemish.

And affiant further swears that on the northwest of the southwest quarter of section 28, and the northeast quarter of the southeast quarter of section 29, he found a great number of living, thrifty, white-pine trees marked with a letter "V," chopped in the butt and the trees undercut for felling, but which for some reason had not been felled. And affiant further swears that this letter V was the mark placed upon trees to indicate those to be cut as "dead and down," by direction of the General Land Office in the logging season of 1898–9. That this knowledge is obtained from having read the instructions and from practical experience as a "marker" in the logging camp of Fairbanks and Warren on the Leech Lake Reservation at the time when this firm was cutting dead and down timber.

And affiant further swears that at the time the Wild Rice Lumber Company was cutting the timber referred to on sections 28 and 29 in township 146, range 37 west, the cutting was done under the supervision of Assistant Superintendent of Logging Black. That affiant does not know his full name but that there was no other man or officer of the name of Black employed in the camp at the time.

And further affiant saith not.

(Sgd.) THOMAS WILTSE.

Subscribed and sworn to before me this 16th day of October, 1901, at Bagley, Minnesota.

(Sgd.) A. R. GREENE,
Special Inspector.

BURCH'S EXHIBIT NO. 14.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 12, 1911.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed copy is a true and literal exemplification of the original affidavit of Thomas Wiltse, dated October 16, 1901, on file in this department.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.] CARMI A. THOMPSON,
Assistant Secretary of the Interior.

STATE OF MINNESOTA, *County of Beltrami, ss:*

Thomas Wiltse, of lawful age, being first duly sworn, deposes and says: That John W. McCarthy, of Stillwater, Minnesota, and a Government estimator engaged in reestimating the timber on the lands on the White Earth Reservation, on which the Indians had permits to log, wrote a letter under date of February 26, 1899, to Charles J. Harmon, foreman for Fairbanks and Warren at Leach Lake, which said letter was read in the presence of affiant and then by the said Harmon presented to affiant with the remark, "You better take that and learn something," or words to that effect. Affiant preserved this letter and now attaches the original to this affidavit, and for the purpose of identification has marked it with his initials, "T. W.," on the upper left-hand corner. And affiant further swears that the following explanations of the said letter are correct and necessary to a full understanding of the same.

The "Tyler" referred to is a nickname applied to William V. Warren, one of the contractors engaged in logging for the Wild Rice Lumber Company, being the *Indian* who had the permit to log. Black was the assistant superintendent of logging in the employ of the Government and in charge of the logging camps on the White Earth Reservation. The "Bob Boleau," is Bobby Beaulieu, an Indian of the White Earth Reservation, who was "marker" on this contract. The contract was on lands in township 144, range 37 west.

And further deponent saith not.

THOMAS WILTSE.

Subscribed and sworn to before me this 16th day of October, 1901, at Bagley, Minnesota.

A. R. GREENE, *Special Inspector.*

T. W.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
144-37 WHITE EARTH RES
Feb. 26", 1899.

FRIEND CHARLEY

We are still in luck We are stopping at tyler Warrens Camp in sec 16" in our town there are two mese camps in the town one on the south side of 20 & one at 1 4 post between 15 & 16 the grub is shocking but sheasgreen kicks enough for Croome and me we got the north ½ the town done and with the help of God will finish next week and if your camp is still running be prepared to feed three hungry men we will start back about the 6th or 7" of Mch the timber here is poor and the land dam door but we are getting quiet a bit of timber there is some very fine looking land in the north town near R R that town is nearly all agr these logging here is worse than their grub just think the biggest load is 2,500 I told one man that you could put in more logs with your picker than the whole possy of them this man has 30 men,and lots of stock and got in 600 m halling 20 to 25 a day with 4 fours there is too much to tell you in one letter Black is stopping here and he is worth all the J L s McClures in Kentucky he has some sense and dont try to shift responsibility on his markers and the markers seems to have sense also I was out on 15 yesterday where Bob Bobeau marked he just marked all the big sound green trees with not a dead timber or blemish. Why if you had black and these markers you would have in ten millions by the last of next week I helped tyler a little there was a bunch of a coupl of hundred m on 20 Black was in doubt about it but I removed that doubt and he is cutting it well good by. Croome is waiting to write kindest regards to Mr. & mrs trucett and all the boys Resp

JOHN W. MCCARTHY.

BURCH'S EXHIBIT NO. 15.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 12, 1911.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed copy is true and literal exemplification of the original affidavit of Thomas Wiltse dated October 28, 1901, on file in this department.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.] CARMI A. THOMPSON,
Assistant Secretary of the Interior.

STATE OF MINNESOTA,
County of Beltrami, ss:

Thomas Wiltse being first duly sworn deposes and says: That he is a resident of the town of Bagley, Minnesota, and by occupation is a civil engineer, lumber scaler, and timber estimator; that in these branches of business he considers himself an expert, having been almost continuously employed therein since 1872.

That on the 24th, 25th, and 26th days of October, 1901, he visited certain lands in townships 144 and 145 north, range 37 west in the State of Minnesota, being a part of the ceded lands of the White Earth Indian Reservation, and examined several forty-acre tracts and lots said to have been sold as pine lands at the sale held at the U. S. Land Office at Crookston on the 27th and 28th days of November, 1900; that the said examinations were carefully made, by the use of the official field notes, Gurley's railroad compass, Chesterman's patent steel surveyor's tape and the scaling whenever done was with Scribner's scale rule, Minnesota standard. And affiant further swears that the description and status of the tracts examined by him on the dates named is as follows:

NW. ¼ SE. ¼ SECTION 15, TP. 145.

As to this forty-acre tract affiant found a very heavy belt of white pine timber with scattering Norway pines, extending diagonally across it from northeast to southwest, covering certainly fifteen and possibly eighteen acres of said tract. Said trees are for the most part of medium size, thrifty and exceptionally tall.

Affiant measured one acre on the north side of the tract, being an area four rods in width and forty rods in length, extending from the northeast corner westward, and found it to contain seventy-eight trees; and affiant believes that said trees will make four logs to the tree and that twelve of said logs will make one thousand feet of lumber, board measure; and that the acre measured as aforesaid will yield twenty-six thousand feet of lumber, board measure. And affiant further swears that the average of the whole timbered portion of this tract will be as great as the acre measured and that a safe and conservative estimate of the whole is a yield of three hundred and seventy-five thousand feet of lumber, board measure.

And affiant further swears that he found ten large pine trees had been cut on this tract at a recent date, as he verily believes not longer ago than last winter, and for the purpose of being used in the construction of the dam of the Wild Rice Lumber Company located at the center of section 16, one mile west of this tract.

LOT 2, SECTION 14, T'P 145.

As to this tract, affiant found that it contained ten large white pine trees and no other pine of any variety and that a fair estimate of the yield of the same would be ten thousand feet of lumber, board measure.

Said tract also contains a large quantity of hardwood, upon which considerable trespass has been committed, apparently within a year.

SW. ¼ SW. ¼ SECTION 22, T'P 145.

As to this tract, affiant found that it contained two pine trees, and no more, and that the same could not yield to exceed one thousand five hundred feet of lumber, board measure. Affiant had no difficulty in finding the corners and knows that he is not mistaken in these statements. The tract is covered with aspen, birch, and balm of Gilead, and has no evergreen timber except as stated.

NW. ¼ NW. ¼ SECTION 27, T'P 145.

As to this tract, affiant found that it contained fourteen pine trees, several good and the rest short and bushy, and no others, either of white or Norway pine, and that a fair estimate of the yield of the same would be three logs to the tree and ten logs to the thousand, a product for the tract of four thousand two hundred feet, board measure.

NE. ¼ NE. ¼ SECTION 28, T'P 145.

As to this tract, affiant found that it contained seven short, bushy pine trees, and no more, a fair estimate of the yield of which would be two thousand five hundred feet of lumber, board measure.

NW. ¼ SW. ¼ SECTION 27, T'P 145.

As to this tract, affiant did not make any measurements nor count the trees on any given part of it, but he did examine it with a good degree of care, and swears that to the best of his judgment three square acres in the southwest corner will yield one hundred and eighty thousand feet of lumber, and that a single acre not included in the area named will yield one hundred thousand feet of lumber, board measure.

SW. ¼ SW. ¼ SECTION 27, T'P 145.

As to this tract, affiant found about one-half of the area covered with a dense pine forest. On five acres of the twenty of the timbered portion, which he considers a fair average of the whole, he found two hundred trees which would yield one hundred and twenty-five thousand feet of lumber, board measure. To the best of affiant's judgment this tract contains five hundred thousand feet of timber.

SE. ¼ SE. ¼ SECTION 28, T'P 145.

As to this tract, affiant measured two acres in the southeast corner, which contained one hundred and ninety-three trees. They were smaller in diameter than the average of the trees of the tract and not more thickly on the ground than fifteen acres of the area, but were exceptionally tall; and affiant believes that a fair average would be five logs to the tree and ten logs to the thousand feet of lumber. This would make a yield of seven hundred and twenty-three thousand seven hundred and fifty feet of lumber for the fifteen acres, which affiant firmly believes is safely within bounds, and that the yield is likely to much exceed this. Affiant further swears that this forty-acre tract has been held by timber buyers in Minnesota and Wisconsin to contain one million feet of timber.

S. ½ NE. ¼ SECTION 13, T'P 144.

While this eighty-acre tract, as affiant understands, was not classed as pine land nor offered at the sale above mentioned, it nevertheless contains a large amount of commercial pine timber, which has been variously estimated at from one hundred thousand to one million feet. Affiant visited said tract on the 26th day of October, 1901, for the purpose of making a careful examination of the same, but with only indifferent results, owing to the apparent impossibility of finding the corners. Affiant understands that it has been taken as a homestead and near the southeast corner of the tract there is a small log shanty, now unoccupied. The center section corner, which is the southwest corner of this tract, is in a swamp and at this time, when the surface is not frozen, impassable. It was therefore impossible for affiant to locate this corner, but he found numerous line trees on what he believes to be the south line of the above-described tract and, following this line nearly half a mile to the east, he found line trees on a north and south line which he believes to be the range line between ranges 36 and 37, but was unable to locate any corners. If affiant is correct, as he firmly believes himself to be, in accepting this line as the south line of the tract described, then it contains not less than one hundred thousand feet of pine timber, mostly Norway pine. And affiant further swears that his attention was called to this tract by the estimators for the lumber companies when they came in from estimating before the sale referred to, who told him that there was a splendid lot of pine on a tract classed as agricultural land and gave affiant the numbers of the same.

LOT 1, SECTION 17, T'P 144.

As to this tract, affiant found the lumber camp of William V. Warren, of the Wild Rice Lumber Company, located upon it and preparations being made by a crew in charge to conduct lumbering operations upon State lands adjoining this winter. This tract contains fourteen Norway and one white pine trees, the same being below the average in size for this part of the country. Affiant believes that a fair estimate for the tract would be six thousand five hundred feet of lumber.

And affiant further swears that he is personally familiar with the status of the lands in sections 15, 17, 21, 22, 23, and 29, township 144, range 37 west, as he was employed as a scaler there in December, 1897, under Col. R. H. Rosa in the camps of William V. Warren, Charles E. Leith, Patrick Perault, and William McKenzie, when these camps were engaged in logging under Indian contracts, and knows of his own knowledge that many of the tracts, now estimated to contain from ten thousand feet per forty-acre tract upward to many times that amount, were denuded of all timber during the winter of 1896-7, when the logs affiant scaled were cut.

And affiant further swears that it is generally understood in the community that Thomas Munroe, who attended the sale referred to as a bidder, represents the Commonwealth Lumber Company, of Frazee, Minnesota; that Richard H. Chute, another bidder, is understood to be a member of the firm doing business at Minneapolis under the name of the Mississippi and Rum River Boom, Driving and Improvement Company, or a similar title, being one of the enterprises of which Fred. A. Weyerhauser is principal owner; that Charles F. Welles, also one of the bidders at the sale aforesaid, is the principal man in the Brainard Lumber Company; that Almond A. White is a town-site promoter for the railroads and a general dealer in real estate; that Carl Hendricksen, also a bidder, is the name used by the Thoen and Davids Lumber Company, of Bagley, Minnesota; that Fred L. Hampsen, also a bidder at the sale, is manager of the Wild Rice Lumber Company; that Willis J. Walker is the representative of the Red River Logging Company and a son of T. B. Walker, of Minneapolis, Minnesota; that Otis Staples is a member of the Stillwater Lumber Company, of Stillwater, Minnesota.

Affiant further swears that he is personally acquainted with one Albert J. Lammers, who was engaged in logging operations on the Clearwater River from the time the Red Lake Reservation was opened until last year, and knows that the said Lammers used and operated the dams on that river, including Bagley's dam, Copely's dam, Nelson Dam, Buzzle Lake Dam, and other dams used in driving logs from the sources of Clearwater River to the mills, which dams were built by the Red Lake River Logging Company, and which are now the property of the Stillwater Lumber Company, of which Otis Staples is manager.

And further affiant saith not.

THOMAS WILTSE.

Subscribed and sworn to before me this 28th day of October, 1901, at Bagley, Minnesota.

A. R. GREENE, *Special Inspector.*

Mr. BURCH. Now, replying to Representative George's question, I will say that the Nelson Act of 1889 provided that no timber of these Indians should be sold at less than $3 per thousand feet stumpage. That to be estimated. I may say, and I think I am within bounds, that there are several ways of dealing with timber upon public or private lands. One is for a cruiser, as they term him, or estimator to estimate it in the tree—at which many of them become very expert. Another is to scale it in the log in the woods after the logs have been cut, which is the duty of a man generally employed in connection with logging operations.

Mr. GRAHAM. By scaling, you mean measuring?

Mr. BURCH. Yes. They have regular rules, the most notable of which are Doyle and Scribner. They have a stick with all kinds of figures on which they put crosses, allowing for holes, punky or rotten places. They very quickly estimate, or at least measure, the amount of timber in the tree. Another is by mill cut—that is, after the logs are taken into the mill and run into lumber and the lumber is measured out. They have that way. Now, this act provided that the

lumber should be estimated. We expect to show in this connection, that after this experience, Secretary Hitchcock refused to sell any more timber on estimates made in this way. That he positively refused to consent to the sale of any more and that an act called the "Morris Act," which we will deal with next, was passed in accordance with his request or requirements to obviate that refusal to allow timber to be sold, providing for bank scale, which would be the same as wood scale, of course, practically, and that act was passed in part for that particular purpose—bank scale, in other words. Now, these affidavits just submitted have gone to that question, and before this inquiry is closed we hope to show that in one instance 19,000,000 feet was secured by a party that cost him, according to these estimates that had been made, $1.60 per thousand. In other words, that implies that if that estimate of 75,000,000 feet made on the pine of these four townships had been correct as a bank scale would have been, that he would have had to pay that much more. In other words, he got the timber for $1.60 per thousand that he prepared to bid up at this sale to $3 per thousand, according to this estimate.

I now have to submit to the committee photographic copies of the original affidavits filed by these parties, an abstract of which I have read to the committee already.

Mr. GRAHAM. Where are the originals?

Mr. BURCH. The originals are in the department at Washington. These are duly certified photographic copies of the original affidavits made by all of these parties, an abstract of which I have read.

BURCH'S EXHIBIT NO. 16.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, November 15, 1911.

I hereby certify that the annexed copies of papers are true and literal exemplifications of the originals on file in this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.] H. W. SANFORD,
Recorder of the General Land Office.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Hovey C. Clarke. Upon notice to show cause why certain entries should not be cancelled.

STATE OF MINNESOTA,
County of Hennepin, ss:

On this 31st day of December, A. D. 1902, before the undersigned, a notary public in and for Hennepin County, Minnesota, personally appeared Hovey C. Clarke, who having been by me first duly sworn, on oath did depose and say as follows:

My name is Hovey C. Clarke; I reside at the city of Minneapolis, State of Minnesota. I am and have been for some years last past engaged in the business of logging and lumbering in the State of Minnesota; I saw the notice of sale of what are known as the White Earth Reservation lands to be held at Crookston, on the 27th of November, 1900.

I hired a number of men whom I supposed and believed, and still suppose and believe, were honest men and experienced timber cruisers, to go upon the lands which were to be sold, and make estimates of the pine timber thereon. And after these

estimates were made, I compared the same with the estimates made for the Government and upon which the minimum price of the lands was fixed. I found that in some instances the estimates made by the men employed by me were higher than those made by the men employed by the Government, while in many other instances the estimates were lower. There was no more difference than I have frequently found when buying or selling timber dealing with private parties, and I have frequently found greater discrepencies between two sets of men whom I have sent out upon the same land upon different times on my own account. I had nothing whatever to do with the estimates made by the Government, and never had any information which would lead me to believe that those estimates were carelessly or incompetently made, or that the timber was as a whole underestimated. On the contrary, such information as I had led me to believe that a very fair estimate had been made by the men employed by the Government.

I went to the sale intending to purchase such tracts of the land as I could buy at what seemed to me to be a fair price in localities where I desired to purchase. I did not intend or expect to purchase or bid for every tract of land offered or the majority thereof.

The competition in bidding at the sale was so strong that I was compelled to pay more for some tracts of land than I considered the same worth and other tracts which I would have liked to have purchased were bid so high that I could not afford to take them; and this same competition existed not only with reference to the lands which I bought or bid upon, but many other tracts upon which I did not bid at all. In every instance I bid the full minimum price fixed by the Government for every tract of land purchased by me, and I paid the full amount of all of my bids in perfect good faith, and in my judgment the amount bid by me for the lands which I purchased represented the fair value of the land so purchased, and taking the entire sale as a whole, in my judgment the lands sold for all they were then worth. There may have been isolated tracts here and there that some parties purchased at a bargain, but this I think happens at every public sale of large quantities of lands.

I did not make or enter into any agreement with any person whomsoever among the bidders at said sale to prevent said lands from selling at their fair value. The lands purchased by me, with the number of each entry, are as follows:

C. E. No. 1016, Nov. 27, 1900, Hovey C. Clarke, lots 3, 4, S. ½ NW. ¼, SW. ¼ and S. ½ SE. ¼ sec. 1, T. 143 N., R. 37 W.

C. E. No. 1017, Nov. 27, 1900, Hovey C. Clarke, lots 2, 4, S. ½ NE. ¼, S. ½ NW. ¼, N. ½ SW. ¼ sec. 2, T. 143 N., R. 37 W.

C. E. No. 1018, Nov. 27, 1900, Hovey C. Clarke, lots 5, 6, 7, SE. ¼ NE. ¼, SE. ¼ NW. ¼, N. ½ SW. ¼, NW. ¼ SE. ¼, SE. ¼ SE. ¼ sec. 3, T. 143 N., R. 37 W.

C. E. No. 1019, Nov. 27, 1900, Hovey C. Clarke, SW. ¼ NW. ¼ SW. ¼ SW. ¼ sec. 5, S. ½ NE. ¼ and lots 3, 4, 5, 6, sec. 6, lot 3, SE. ¼ NE. ¼, NW. ¼ SE. ¼, SE. ¼ SE. ¼ sec. 7, T. 143 N., R. 37 W.

C. E. No. 1020, Nov. 27, 1900, Hovey C. Clarke, S. ½ NW. ¼ N. ½ SW. ¼, SE. ¼ SW. ¼, N. ½ SE. ¼ sec. 8, NW. ¼ NE. ¼ S. ½ NE. ¼ N. ½ NW. ¼ NW. ¼ SE. ¼ sec. 9, and lot 3 sec. 10, T. 143 N., R. 37 W.

C. E. No. 1021, Nov. 27, 1900, Hovey C. Clarke, W. ½ NE. ¼, NW. ¼, N. ½ SW. ¼, SE. ¼ SW. ¼, N. ½ SE. ¼ sec. 11, SE. ¼ SW. ¼, SW. ¼ SE. ¼ sec. 13, NW. ¼ SE. ¼ sec. 14, T. 143 N., R. 37 W.

C. E. No. 1022, Nov. 27, 1900, Hovey C. Clarke, W. ½ NE. ¼, SE. ¼ NE. ¼, NE. ¼ NW. ¼, SE. ¼ NW. ¼ sec. 17, lots 1, 2, sec. 19, SW. ¼ NW. ¼ sec. 20, NW. ¼ SW. ¼ and lot 8 sec. 21, SE. ¼ NW. ¼ N. ½ SW. ¼ N. ½ SE. ¼, SW. ¼ SE. ¼ sec. 23, T. 143 N., R. 37 W.

C. E. No. 1023, Nov. 27, 1900, Hovey C. Clarke, SE. ¼ NE. ¼, NW. ¼, N. ½ SW. ¼, E. ½ SE. ¼ sec. 24, T. 143 N., R. 37 W.

C. E. No. 1050, Nov. 28, 1900, Hovey C. Clarke, NE. ¼ SE. ¼, SW. ¼ SE. ¼ sec. 31, S. ½ NE. ¼, NE. ¼ NW. ¼, SW. ¼ NW. ¼, SE. ¼ SE. ¼ sec. 32, NE. ¼ and NE. ¼ of NW. ¼ sec. 33, T. 143 N., R. 37 W.

C. E. No. 1051, Nov. 28, 1900, Hovey C. Clarke, N. ½ NW. ¼, SE. ¼ NW. ¼, NW. ¼ SW. ¼, SE. ¼ SW. ¼, NW. ¼ SE. ¼ sec. 34, SW. ¼ NE. ¼, SW. ¼ NW. ¼, lot 1, sec. 35, T. 143 N., R. 37 W.

C. E. No. 1052, Nov. 28, 1900, Hovey C. Clarke, lot 2, sec. 1, NW. ¼ NE. ¼, SE. ¼ SE. ¼ sec. 12, N. ½ NE. ¼ sec. 13, SE. ¼ NW. ¼ sec. 14, N. ½ NW. ¼, W. ½ SW. ¼ sec. 15, NE. ¼ NW. ¼ sec. 18, W. ½ NE. ¼, SE. ¼ NE. ¼ sec. 19, T. 144 N., R. 37 W.

C. E. No. 1053, Nov. 28, 1900, Hovey C. Clarke, NE. ¼, S. ½ NW. ¼, NW. ¼ SW. ¼ sec. 21, N. ½ SW. ¼, SE. ¼ SW. ¼ sec. 22, SE. ¼ NE. ¼, W. ½ SE. ¼ sec. 23, T. 144 N., R. 37 W.

C. E. No. 1054, Nov. 28, 1900, Hovey C. Clarke, lots 1, 2, 3, W. ½ SE. ¼, SE. ¼ SE. ¼ sec. 24, N. ½ NE. ¼, lot 7, sec. 25, NE. ¼ NE. ¼ sec. 27, SE. ¼ SW. ¼ sec. 30, NW. ¼ NE. ¼, NE. ¼ SW. ¼, SW. ¼ SE. ¼ sec. 32, T. 144 N., R. 37 W.

C. E. No. 1055, Nov. 28, 1900, Hovey C. Clarke, NE. ¼. SE. ¼. NW. ¼ sec. 26, SE. ¼ SE. ¼, sec. 28, T. 145 N., R. 37 W.

I make this affidavit in response to the notice to show cause, received by me from the register of the land office at Crookston, dated December 5th, 1902, and requiring me to show cause why the entries made by me as above stated should not be canceled.

HOVEY C. CLARKE.

Subscribed and sworn to before me this 31st day of December, A. D. 1902.

JOHN F. IRWIN,
Notary Public, Hennepin Co., Minnesota.

There is filed herewith and as a part of Mr. Clarke's showing the affidavit of F. W. Heimick, of Duluth, Minn.

N. H. CLAPP,
Atty. for H. C. Clarke.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Willis J. Walker. On notice to show cause why certain entries should not be canceled.

STATE OF MINNESOTA,
County of St. Louis, ss:

F. W. Heimick, being by me first duly sworn, on oath deposes and says:

That he resides at the city of Duluth, Minnesota; that he is and has been for some years last past engaged in the business of buying and selling pine lands and pine timber; that he was present at the sale of public lands held at Crookston, Minnesota, on the 27″ and 28″ days of November, 1900; that the said sale was attended by a large number of persons, many of whom participated in bidding for a great many different tracts of land, and that there was active and strong competition between bidders upon a great many different tracts.

Deponent further says that he did not himself bid for or purchase any lands at that sale, but that he was in possession of estimates of a large number of different tracts of the land that was to be offered, which estimates had been made for the purpose of testing the accuracy of the Government estimates, and that, in his judgment, taken as a whole, the lands sold at that sale brought all they were fairly worth at that time.

Deponent further says that the estimates in his possession at the time of said sale, while not agreeing exactly with those made by the Government estimators, did not show any more discrepancy than deponent has found between estimates made for private parties on the same tract of land by different men.

Deponent further says that the number of persons present at said sale, from time to time, in deponent's judgment, exceeded fifty, and that, in his judgment, at least twenty-five different persons were bidders in competition at different times.

F. W. HEIMICK.

Subscribed and sworn to before me this 31st day of December, 1902.

W. D. BAILEY,
Notary Public, St. Louis County, Minn.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of the suspension of certain entries of land made November 27th and 29th, 1900, at the public sale of the pine lands in the four ceded townships of the White Earth Reservation.

STATE OF MINNESOTA,
County of Hennepin, ss:

Willis J. Walker, being by me first duly sworn, on oath deposes and says: That he resides in Minneapolis, in the State of Minnesota, and has been for many years past engaged in the business of buying and selling of pine and other timber lands in large

quantities, and was at the time of the land sale hereinafter mentioned quite familiar with the values of the pine timber in the locality of the lands embraced in said sale.

Deponent states that in the summer of 1900 he learned that the Government was going to sell four townships of land in the White Earth Reservation on the 27th of November, 1900, and as this land lay in close proximity to a large body of pine that he was interested in, he sent timber estimators in to carefully estimate these lands for the purpose of informing himself of the amount and character of pine to be sold, to do which he expended about one thousand dollars ($1,000.00) in money.

That said estimates were made by land examiners that he believed to be competent men, and which men had estimated at different times a large amount of timber for him, and that their reports, which he believes to be carefully made, were in some cases higher than the Government estimates and in a great many cases were lower, but on the average did not vary more than he often finds in the reports made on other tracts of land by two separate estimators.

That he went to the land sale believing, and still believes, that the Government estimates were fairly and conscientiously made by the Government estimators, and that their reports, as given in the Government book of instructions at the sale, was the honest opinion of the men doing the work, the deponent basing his opinion from the comparison of the estimates of his own and the Government men.

That the deponent attended the sale and purchased his land under very sharp competition from a great many bidders, and on almost every piece he purchased had to pay a large advance on the Government appraised value, so that a comparison taken from the printed list of lands and appraised values provided by the Government showed that the total appraised value of the land purchased by the deponent was twenty-two thousand one hundred and eighty-five dollars ($22,185.00), whereas he paid for the same the sum of twenty-six thousand seven hundred and twelve dollars ($26,712.00), being an increase of four thousand five hundred and twenty-seven dollars ($4,527.00) over the appraised value set by the Government.

Deponent further states that all the land purchased by him lay in the southwestern part of township one hundred and forty-five (145), of range thirty-seven (37), which immediately joined a large bunch of timber in which he is interested and desired to get enough timber to warrant the construction of a logging railroad of some twenty miles in length from the Great Northern Railroad at Solway into this timber and for this purpose he paid at the sale more than anyone else would in order to get this Government timber to handle along with his own, which would make enough to warrant the construction of the road.

That after said sale this road was constructed with the expectation of carrying this timber purchased by the deponent and is now in operation. That the prices paid by other parties was so high that the deponent did not get any of it and only purchased in this one locality, where he was able to pay more than the land was worth to anyone else.

Deponent further states that he was present during the entire time that the sale was being held and that the competition in bidding was continuous, not only with reference to the land purchased by the deponent but also on a great majority of the lands that were sold, although there was a quantity of land offered that no one would take by reason of the high valuations.

Deponent further states that he entered into no agreement, arrangement, or combination whataver with any other person or persons to refrain from bidding in said sale, or for the purpose of preventing competition in bidding for said lands at their full value. On the contrary, there was a strong competition of bidding for all of the land purchased by the deponent, with the exception of a very few pieces, and a large number of pieces in the locality in which the deponent was purchasing were bid so high by other parties in competition to the deponent that the deponent failed to get them.

The lands which were purchased by deponent at said sale, with the number of each entry made by him, are as follows, to wit:

C. E. No. 1086: S. ½ NE., NE. SW., NE. SE., section 22; NE. SW., SE. ¼ section 23, T. 145 N., R. 37 W.

C. E. No. 1087: W. ½ NE, SE. NE., N. ½ NW., SW. ¼, N. ½ SE., SE. SE., section 24, T. 145 N., R. 37 W.

C. E. No. 1088: NE. NE., S. ½ NE., NW. ¼, and S. ½ section 25, T. 145 N., R. 37 W.

C. E. No. 1089: NW. NW., W. ½ SW., SE. ¼ section 26; E. ½ NW., SW. ¼, N. ½ SE., and SW. SE. section 27, T. 145 N., R. 37 W.

C. E. No. 1090: SE. NE., NE. SE. section 28; NW. NE., SE. NE., NE. NW., S. ½ NW., N. ½ SW., SW. SW. section 34; NE. NE., NE. NW. section 35, T. 145 N., R. 37 W.

Deponent further states that he put a large amount of his own time and a great deal of money in making an examination of these lands in perfect good faith and paid the full amount of all his bids, and is entitled to receive patents for his land.

Deponent makes this affidavit in response to notice received by him, requiring him to show cause why his entries above mentioned should not be cancelled and hereby offers to make any further showing in the premises that may be reasonably required.

WILLIS J. WALKER.

Subscribed and sworn to before me this second day of January, A. D. 1903.

R. H. ADAMS,
Notary Public, Hennepin Co., Minnesota.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of M. H. McCarthy. On notice to show cause why certain entries should not be cancelled.

STATE OF MINNESOTA, *County of St. Louis, ss:*

F. W. Heimick, being by me first duly sworn on oath, deposes and says:

That he resides at the city of Duluth, Minnesota; that he is and has been for some years last past engaged in the business of buying and selling pine lands and pine timber; that he was present at the sale of public lands held at Crookston, Minnesota, on the 27th and 28th days of November, 1900; that the said sale was attended by a large number of persons, many of whom participated in bidding for a great many different tracts of land, and that there was active and strong competition between bidders upon a great many different tracts.

Deponent further says that he did not himself bid for or purchase any lands at that sale, but that he was in possession of estimates of a large number of different tracts of the land that was to be offered, which estimates had been made for the purpose of testing the accuracy of the Government estimates, and that, in his judgment, taken as a whole, the lands sold at that sale brought all they were fairly worth at that time.

Deponent further says that the estimates in his possession at the time of said sale, while not agreeing exactly with those made by the Government estimators, did not show any more discrepancy than deponent has found between estimates made for private parties on the same tract of land by different men.

Deponent further says that the number of persons present at said sale, from time to time, in deponent's judgment, exceeded fifty, and that in his judgment at least twenty-five different persons were bidders in competition at different times.

F. W. HEIMICK.

Subscribed and sworn to before me this 30th day of December, 1902.

W. D. BAILEY,
Notary Public, St. Louis County, Minn.

U. S. LAND OFFICE,
Crookston, Minn.

In the matter of M. H. McCarthy on notice to show cause why his entries should not be cancelled.

STATE OF IOWA, *City of Dubuque, ss:*

Michael H. McCarthy, being first duly sworn, on oath deposes and says that he attended a public sale of the pine lands, being part of the ceded Chippewa pine-land reservation, in the State of Minnesota, said sale occurring at the United States land office at the city of Crookston, in the State of Minnesota, on the 27th and 28th day of November, A. D. 1900, in pursuance with notice issued by the Department of Interior, General Land Office, Washington, D. C., and that at said sale he bid in the following-described tracts:

W. ½ NE. ¼ sec. 8; NE. ¼ NE. ¼, SW. ¼ NW. ¼, SE. ¼ SW. ¼, S. ½ SE. ¼, sec. 9; SE. ¼ SE. ¼ sec. 11; NE. ¼ NE. ¼ sec. 17; lot 3, NW. ¼ SE. ¼ sec. 20; lot 1, all in sec. 21, Twp. 143 N., range 37 W., containing 447 acres.

SE. ¼ NE. ¼, NE. ¼ NW. ¼, NE. ¼ SW. ¼, sec. 22; S. ½ NE. ¼, SW. ¼ SW. ¼, sec. 23; N. ½ NE. ¼ sec. 27; lot 5, sec. 30; all in sec. 30, Twp. 143 N., range 37 W., containing 322 acres.

W. ½ SE. ¼, SE. ¼ SE. ¼, sec. 33, Twp. 143 N., range 37 W., containing 120 acres.

Lot 1, SW. ¼ NE. ¼, NW. ¼ SE. ¼, sec. 1; lot 4, SW. ¼ SW. ¼, sec. 4; SE. ¼ NE. ¼ sec. 8; N. ½ NW. ¼, S. ½ SE. ¼, sec. 9; SE. ¼ SW. ¼; all in sec. 12, Twp. 144 N., range 37 W., containing 444 $\frac{24}{100}$ acres.

That his bid for said tracts of land was made in perfect good faith, and that the price at which said land was struck off to him was a fair and reasonable price therefor.

He further says his bid was the highest offered for said land, and that in no case was it below the minimum price placed on such parcels by the Government. Nor did he agree with any person or persons not to bid over a certain price for said lands. Neither did he have any understanding with any person or persons not to raise his bids.

Affiant further says that he knew nothing of the alleged underestimates by the Government agents at the date of said sale.

Affiant further says that he bid on several tracts of land, which was not struck off to him because of others bidding more than, in his judgment, the property was worth.

He further states that in his opinion and judgment as an experienced pine-land buyer and operator, that the price paid was a full value of the timber at date of sale. He also states that he has been advised that considerable damage has been done by fire to some of the timber purchased on the above tracts, and that the patents to such purchases ought to be issued at once in order to justify him in cutting said timber, and thus avoid serious damage that will otherwise occur unless the timber is put in promptly.

He also states that the Government received the full purchase money on date of sale, and that in all justice and fairness, that there should be no further delay in issuing these patents. The county treasurer has advised him that the lands have been listed for taxation and may possibly be sold under the State laws for delinquent taxes.

He further states that there is no good reason why the issuing of these patents should be delayed.

M. H. McCarthy.

Subscribed and sworn to before me and in my presence by the said Michael H. McCarthy, this 23rd day of December, A. D. 1902.

[SEAL.] Ben R. Hervey,
Notary Public of Iowa, in and for Dubuque County.

I file herewith and as a part of the showing by Mr. McCarthy the affidavit of F. W. Heimick, of Duluth, Minn.

N. H. Clapp,
Atty. for M. H. McCarthy.

Department of the Interior,
United States Land Office,
Crookston, Minnesota.

In the matter of William F. Brooks. On notice to show cause why certain entries should not be cancelled.

State of Minnesota,
County of St. Louis, ss:

F. W. Heimick, being by me first duly sworn, on oath deposes and says:

That he resides at the city of Duluth, Minnesota; that he is and has been for some years last past engaged in the business of buying and selling pine lands and pine timber; that he was present at the sale of public lands held at Crookston, Minnesota, on the 27th and 28th days of November, 1900; that the said sale was attended by a large number of persons, many of whom participated in bidding for a great many different tracts of land, and that there was active and strong competition between bidders upon a great many different tracts.

Deponent further says that he did not himself bid for or purchase any lands at that sale, but that he was in possession of estimates of a large number of different tracts of the land that was to be offered, which estimates had been made for the purpose of testing the accuracy of the Government estimates, and that, in his judgment, taken as a whole, the lands sold at that sale brought all they were fairly worth at that time.

Deponent further says that the estimates in his possession at the time of said sale, while not agreeing exactly with those made by the Government estimators, did not show any more discrepancy than deponent has found between estimates made for private parties on the same tract of land by different men.

Deponent further says that the number of persons present at said sale, from time to time, in deponent's judgment, exceeded fifty, and that in his judgment at least twenty-five different persons were bidders in competition at different times.

F. W. HEIMICK.

Subscribed and sworn to before me this 20th day of December, 1902.

W. D. BAILEY,
Notary Public, St. Louis County, Minn.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of William F. Brooks. Upon notice to show cause why certain entries should not be canceled.

STATE OF MINNESOTA,
County of Hennepin, ss:

William F. Brooks, being by me first duly sworn, deposes and says:

That he resides at the city of Minneapolis, Hennepin County, Minnesota, and is engaged in the business of logging and lumbering and such business requires the purchase from time to time of considerable tracts of pine lands; that he attended the public sale of lands held at Crookston, Minnesota, on the 27th and 28th days of November, 1900, for the purpose of purchasing at that sale such tracts of pine lands as he deemed it advisable to purchase; that he was unable financially to purchase or bid for all of the lands offered at said sale, and did not intend or expect to purchase or bid for every tract of land offered or a majority thereof; that when lands were offered in the locality where this deponent desired to purchase deponent bid therefor and succeeded in purchasing the lands hereinafter described.

That there was very strong competition in the bidding at said sale, not only with reference to tracts purchased by deponent or upon which he bid and failed to purchase because unwilling to pay as large a price as some other bidder, but upon many other tracts offered for sale during the time deponent was present.

Deponent further says that he paid the full minimum price fixed by the Government for each tract of land purchased by him, and in many cases a considerable advance over such minimum price, and in several instances deponent was compelled by competitive bidding to pay more for certain tracts than he considered the same worth, and he did so for the reason that the tracts so purchased were contiguous to others purchased by him, and he desired as far as possible to have the lands purchased by him in a compact and contiguous body.

Deponent further says that he did not make or enter into any agreement with any person whomsoever, whether among the bidders at said sale or otherwise, to prevent or stifle competition among the bidders or to prevent said lands from selling at their fair value.

Deponent further says that as to the estimates made by the Government estimators upon said lands he had, prior to the sale, caused a large number of the tracts to be offered for sale to be estimated by timber cruisers hired by him for that purpose for the purpose of testing the accuracy of the estimate made for the Government; that some of the tests showed the Government estimate to be higher than the estimates made by deponent's employees, and in other cases such Government estimates were lower, but that there was no more difference between the Government estimates and the estimates made for deponent than frequently occurs in dealings between private parties, and that deponent had no knowledge or information at the time of the sale, nor has he since acquired any knowledge or information, which would lead him to believe that the estimates made by the persons employed by the Government were made carelessly or incompetently or that the amount of pine timber upon the lands, or any of them, was grossly or at all underestimated. The mere fact that certain of the Government estimates which were tested by deponent's employees were less than those made by deponent's employees does not, in deponent's judgment, tend to show an underestimation on the part of the Government employees, because the business of estimating pine or any other timber is one in which accuracy is impossible, and no two men will go upon the same tract of land at different times and make estimates which will exactly agree.

Deponent further says that he paid to the register and receiver at the local land office at Crookston the full amount of his several bids for the lands purchased by him,

in good faith, and that he believes that there was no fraud or irregularity whatever in the sale, and he therefore urges that patents issue to him for the lands purchased by him without further delay. And he makes this affidavit in response to notice recently served on him requiring him to show cause why the entries made by him as and in the manner herein stated should not be canceled.

The lands purchased by deponent at said sale, and the number of each entry made by him, are as follows:

C. E. No. 1044: Lot 7, 8, 9, 10, 11, sec. 19; lot 1, 2, 4, 5, 6, SE. ¼ NE. ¼, NW. ¼ NW. ¼, E. ½ SW. ¼, sec. 20, T. 143 N., R. 37 W.

C. E. No. 1045: Lot 2, sec. 21; SW. ¼ NW. ¼, NW. ¼ SW. ¼, NW. ¼ SE. ¼, sec. 22; NW. ¼ NE. ¼, N. ½ NW. ¼, sec. 23; NW. ¼ NE. ¼ sec. 24; N. ½ SE. ¼ sec. 25; W. ½ NE. ¼, W. ½ NW. ¼, SE. ¼ NW. ¼, sec. 26, T. 143 N., R. 37 W.

C. E. No. 1046: S. ½ NE. ¼, NE. ¼ NW. ¼, SW. ¼ NW. ¼, W. ½ SW. ¼, SE. ¼ SW. ¼, sec. 27, T. 143 N., R. 37 W.

C. E. No. 1063: W. ½ NW. ¼, SE. ¼ NW. ¼, W. ½ SW. ¼, SE. ¼ SE. ¼, sec. 26; SE. ¼ NW. ¼, N. ½ SW. ¼, SW. ¼ SW. ¼, and W. ½ SE. ¼, sec. 27, T. 144 N., R. 37 W.

C. E. No. 1064: Lot 1, sec. 13; SW. ¼ NW. ¼ sec. 27; NE. ¼ NE. ¼ sec. 28, T. 145 N., R. 37 W.

WILLIAM F. BROOKS.

Subscribed and sworn to before me this 31st day of December, A. D. 1902.

[SEAL.] WASHINGTON GRAY,
Notary Public, Hennepin County, Minn.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Marshall H. Alworth and M. J. Scanlon. On notice to show cause why certain entries should not be cancelled.

STATE OF MINNESOTA,
County of St. Louis, ss:

Marshall H. Alworth, being first duly sworn, says that he was present as a bidder at the sale of lands and timber held at the Crookston land office November 27th and 28th, 1900; that at said sale he purchased a considerable amount of land and timber, the rights to which he has since and in about the month of June, 1902, transferred and assigned to M. J. Scanlon, the descriptions of such lands being more particularly set forth in the response of M. J. Scanlon to the order to show cause why entries aforesaid should not be cancelled; that at the time of said sale affiant had private estimates of the timber on said lands; that such estimates did not vary more from the Government estimates than two estimates by private parties of the same tract of land are found to vary in every-day transactions between private parties; that the estimates of this affiant on some of the timber on some of the tracts of land were lower than the Government estimates and in some cases higher; that he was not acquainted with any of the Government estimators who estimated said timber, so far as he knows; that there was upon many of the lands sold at said sale spirited bidding, there being present at said sale, in the opinion of affiant, from 25 to 50 bidders; that in the opinion of affiant some of said tracts sold for more than they were worth in the market at that time and perhaps some for somewhat less, but that taken on the whole the said tracts sold at said sale brought all that they were fairly worth in the market at that time; that affiant made no agreement with the other bidders at said sale preventing competition among the bidders, and affiant believes that said lands sold at said sale at their fair value at that time.

M. H. ALWORTH.

Subscribed and sworn to before me this 5th day of January, 1903.

W. D. BAILEY,
Notary Public, St. Louis Co., Minn.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Marshall H. Alworth and M. J. Scanlon. On notice to show cause why certain entries should not be cancelled.

Comes now M. J. Scanlon, and in response to the notice issued by the register of the United States land office at Crookston, Minnesota, under date of December 5th, 1902, directed to Marshall H. Alworth, Duluth, Minnesota, and allowing him thirty days within which to show cause why his selections or purchases of certain pine land in the White Earth Reservation at the sale thereof held at Crookston, Minnesota, on November 27th and 28th, 1900, should not be cancelled for the reasons set forth in the commissioner's letter "C" of November 21st, 1902, a copy of which accompanied said notices, states the following facts:

That upon the —— day of June, 1902, said M. J. Scanlon purchased of said Marshall H. Alworth all his right, title, and interest in and to all of said pine lands purchased by said Marshall H. Alworth at said sale, and upon said date said Marshall H. Alworth, his wife joining, conveyed and assigned to said M. J. Scanlon, all his right, title, and interest in said lands, and in and to his rights accruing through said purchase, such lands being described as follows: Lots 1, 3, S. ½ of SW. ¼, NE. ¼ of SE. ¼, S. ½ of SE. ¼, section 2; lot 1, SW. ¼ of NE. ¼, NE. ¼ of SE. ¼, of section 3; N. ½ of SE. ¼ of section 4, town 143, range 37; lot 2, SW. ¼ of NE. ¼, SE. ¼ of NW. ¼, N. ½ of SW. ¼, SE. ¼ of SW. ¼, of section 3; NE. ¼ of SW. ¼ of section 6; NE. ¼ of NE. ¼, NE. ¼ of NW. ¼, lots 1 and 2, of section 7; E. ½ of NE. ¼, N. ½ of NW. ¼, SE. ¼ of SE. ¼, of section 8, town 143, range 37; NE. ¼ of SE. ¼ of section 9; SE. ¼ of NE. ¼, N. ½ of NW. ¼, SW. ¼ of SW. ¼, W. ½ of SW. ¼, of section 13; E. ½ of NE. ¼, E. ½ of SE. ¼, of section 14, town 143, range 37; NW. ¼ of NW. ¼, E. ½ of SE. ¼, of section 22; SW. ¼ of NW. ¼ of section 23; E. ½ of NE. ¼ of section 25; NE. ¼ of NW. ¼ of section 26; SW. ¼ of SE. ¼ of section 29; lot 2 of section 30, town 143, range 37; lot 1, section 34, town 143, range 37; S. ½ of SW. ¼ of section 10; SW. ¼ of NE. ¼, SE. ¼ of NW. ¼, NE. ¼ of SW. ¼, S. ½ of SW. ¼, N. ½ of SE. ¼, SW. ¼ of SE. ¼, of section 11; N. ½ of SE. ¼, SW. ¼ of SE. ¼, of section 12; lots 1 and 2, SE. ¼ of SE. ¼, section 13, township 144, range 37; NW. ¼ of NE. ¼, SE. ¼ of SW. ¼, NW. ¼ of SE. ¼, of section 14; SE. ¼ of NW. ¼, section 15; NE. ¼ of SE. ¼, S. ½ of SE. ¼, of section 28; NE. ¼ of SW. ¼ of section 30; lot 1 of section 31; W. ½ of SE. ¼ of section 33; W. ½ of NW. ¼, SW. ¼ of SW. ¼, of section 34; N. ½ of NW. ¼ of section 35, town 144, range 37 west; S. ½ of NE. ¼, N. ½ of SE. ¼, SE. ¼ of SE. ¼, of section 15; E. ½ of SW. ¼, lots 3 and 4, SE. ¼, of section 19; NE. ¼ of NE. ¼ of section 22; SE. ¼ of SE. ¼ of section 27, town 145, north of range 37, all in Minnesota.

The said M. J. Scanlon further denies that there was any combination or agreement among the bidders at said sale to prevent competition among said bidders, and denies that any such combination or agreement prevented the said lands from selling at their full and fair value.

Said M. J. Scanlon further denies that the estimates of the amount of pine timber on the tracts sold at the said sale, which controlled the minimum bid which could be received therefor, had been grossly or otherwise underestimated or carelessly or incompetently made so as to prevent their being accepted as a proper or lawful basis or criterion for the value of the land and timber, or the minimum price at which they could be lawfully sold, and expressly denies that the said Marshall H. Alworth or other bidders had, at or before the time of such sale any knowledge of any underestimation, and further states the fact to be that the Government estimates upon which such minimum price was made did not differ more from the private estimates which said Marshall H. Alworth and other bidders at said sale had of said timber than is usual in cases of two private estimates upon the same tract of land encountered daily in timber deals between private parties.

Said M. J. Scanlon further alleges that there was no unfair dealing or combination among the bidders at said sale; that the same was fairly and honestly conducted; that the bidding on many of the tracts sold thereat was spirited; and that in many instances said sales were made for more than the property was fairly worth in the market at that time; and that taken as a whole the property sold at said sale brought all that it was fairly worth in the market at that time.

Said M. J. Scanlon further expressly denies that said Marshall H. Alworth or said M. J. Scanlon were either of them in any manner parties to any matter of the nature of the charges specified in said commissioner's letter "C" of November 21, 1902, and protests against the holding of said entry for cancellation.

Said M. J. Scanlon further states that he is ready, able, and willing, if called upon, to respond to such charges and produce evidence sufficient to controvert any and all proofs that may be adduced in support of the charges specified in said commis-

sioner's letter "C" of November 21, 1902, and requests and demands, if there be any, proofs to be produced in support of such charges, that a speedy hearing be had thereof, and that he be given an opportunity to adduce proofs in opposition thereto.

J. L. WASHBURN and W. D. BAILEY,
Attorneys for M. J. Scanlon, Duluth, Minn.

Dated December 31, 1902.

STATE OF MINNESOTA,
County of Ramsey, ss:

M. J. Scanlon, being duly sworn, says that he is the same person who made and who is described in the foregoing response to order to show cause; that the said response is true of his own knowledge, except as to the matters therein stated on information and belief, and as to such matters he believes them to be true.

M. J. SCANLON.

Subscribed and sworn to before me this 1st day of January, 1903.

[SEAL.] A. W. CLAPP,
Notary Public, Ramsey Co., Minn.

STATE OF MINNESOTA,
County of Winona, ss:

Fred S. Bell, being by me first duly sworn, deposes and says that he resides at Winona, Minnesota, and is the same Fred S. Bell for whom the following lands were bid in at the public sale of ceded Indian lands held at Crookston, Minnesota, on the 27th and 28th days of November, 1900.

Lots 1, 7, SE. ¼ NW. ¼, E. ½ SE. ¼, sec. 6; NE. ¼ SW. ¼, sec. 7; SW. ¼ SW. ¼, sec. 8; SE. ¼ NW. ¼, W. ½ SW. ¼, sec. 9.

NE. ¼ NE. ¼ and lot 2, sec. 10; NE. ¼ NE. ¼, SW. ¼ SE. ¼, sec. 11.

NE. ¼ NE. ¼ S. ½ NE. ¼ and S. ½, sec. 12.

N. ½ NE. ¼, SW. ¼ NE. ¼, SE. ¼ NW. ¼, NE. ¼ SW. ¼, SE. ¼ SE. ¼, sec. 13; SW. ¼ NE. ¼, E. ½ NW. ¼, NE. ¼ SW. ¼, SW. ¼ SW. ¼, sec. 14; lot 12, sec. 18; SW. ¼ NE. ¼, SE. ¼ NW. ¼, SW. ¼ SE. ¼, sec. 22; SE. ¼ NW. ¼, sec. 25.

SE. ¼ SW. ¼, N. ½ SE. ¼, SW. ¼ SE. ¼, sec. 26; NE. ¼ SW. ¼, sec. 27; and lot 7, sec. 30, all in T. 143 N., R. 37 W.

That he was represented at said sale by B. J. Hinkle of Little Falls, Morrison County, Minnesota, whose affidavit is hereto attached. That affiant did not either at or before or after that sale make or enter into any agreement or combination whatever with any other person or party whomsoever, and deponent believes that the lands purchased by him, as above set forth, were sold for all they were then worth.

Affiant further says that he makes this affidavit and presents the same with that of Mr. Hinkle in response to a notice to show cause why the entries so made by affiant should not be canceled.

FRED S. BELL.

Subscribed and sworn to before me this 31st day of December, A. D. 1902.

[SEAL.] FRANCES SABIN,
Notary Public, Winona Co., Minn.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Fred S. Bell. To show cause why certain entries should not be canceled.

STATE OF MINNESOTA,
County of Morrison, ss:

B. J. Hinkle, being by me first duly sworn, on oath duly says that he resides at Little Falls, in the county of Morrison, in the State of Minnesota; that he attended the public-land sale held at Crookston on the 27th and 28th days of November, A. D. 1900, for the purpose of bidding at said sale, and that he did, in fact, cause to be bid in at said sale certain lands hereinafter described, all of which were so bid in for Fred S. Bell, of Winona, Minnesota; that most of the lands so bid in for Mr. Bell were

lands upon which there was a very small quantity of pine timber standing, and which lumbermen seeking for timber lands exclusively would not be disposed to bid much if any more than the minimum price fixed thereon by the Government.

That deponent had in his possession estimates which had been made by timber cruisers on the timber standing upon the lands so purchased for Mr. Bell, which estimates were made for the purpose of testing the accuracy of the Government estimates, and while that said estimates so made by estimators employed by private parties varied from the estimates made by the Government estimators, the difference was not at all uniform. In many cases the Government estimates were higher than those deponent had in his possession, while in some cases they were lower; but, taken as a whole, the estimates did not vary any more than very frequently occurs where two different private parties employ different sets of estimators to estimate the same tract of land at different times, or where the same party employs different estimators at different times; that in the judgment of deponent all of the lands bid in for Mr. Bell were sold for their fair value, and that while as to the tracts of land upon which there was very little timber deponent had comparatively little competition in bidding, still the tracts upon which bids were made for Mr. Bell which did have any considerable amount of timber were, with one or two exceptions, run up by other bidders, so that, taken as a whole, Mr. Bell paid for the lands purchased by him nearly 20 per cent more than the minimum price fixed by the Government.

Deponent further says that he did not make or enter into any combination or agreement whatever to prevent or stifle competition in bidding upon any of the lands purchased for Mr. Bell at said sale, or upon any other lands; and deponent further says that he was present during the whole time that said sale was being held, and that he noticed that in very many instances, and especially upon lands which appeared to have large quantities of timber standing upon them, the competition in bidding was very brisk and the prices paid were largely in excess of the minimum price fixed by the Government; and that in the judgment of deponent, the lands sold at said public sale, taken as a whole, were sold for all that they were worth.

Deponent further says that he makes this affidavit for and in behalf of Mr. Fred S. Bell in response to a notice served upon Mr. Bell to show cause why his entry should not be canceled.

The lands so purchased for Mr. Bell, with the number of each entry, are as follows:

S. E. No. 1031, Nov. 27, 1900, Fred S. Bell, lots 1, 7, SE. ¼ NW. ¼, E. ½ SE. ¼ sec. 6, NE. ¼ SW. ¼ sec. 7, SW. ¼ SW. ¼ sec. 8, SE. ¼ NW. ¼, W. ½ SW. ¼ sec. 9, T. 143 N., R. 37 W.

C. E. No. 1032, Nov. 27, 1900, Fred S. Bell, NE. ¼ NE. ¼ and lot 2, sec. 10, NE. ¼ NE. ¼, SW. ¼ SE. ¼ sec. 11, T. 143 N., R. 37 W.

C. E. No. 1033, Nov. 27, 1900, Fred S. Bell, NE. ¼ NE. ¼, S. ½ NE. ¼, NW. ¼, and S ½, sec. 12, T. 143 N., R. 37 W.

C. E. No. 1034, Nov. 27, 1900, Fred S. Bell, N. ½ NE. ¼, SW. ¼ NE. ¼, SE. ¼ NW. ¼, NE. ¼ SW. ¼, SE. ¼ SE. ¼, sec. 13, SW. ¼ NE. ¼, E. ½ NW. ¼, NE. ¼ SW ¼, SW. ¼ SW. ¼, sec. 14, lot 12, sec. 18, SW. ¼ NE. ¼, SE. ¼ NW. ¼, SW. ¼ SE. ¼, sec. 22, SE. ¼ NW. ¼, sec. 25, T. 143 N., R. 37 W.

C. E. No. 1035, Nov. 27, 1900, Fred S. Bell, SE. ¼ SW. ¼, N. ½ SE. ¼, SW. ¼ SE. ¼, sec. 26, NE. ¼ SW. ¼, sec. 27, and lot 7, sec. 30, T. 143 N., R. 37 W.

B. J. HINKLE.

Subscribed and sworn to before me this 31st day of December, A. D. 1902.

HERMAN UTSCH,
Notary Public, Minnesota.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of the suspension of certain entries of land made November 27th and 28th, 1900, at the public sale of the pine lands in the four ceded townships of the White Earth Reservation.

STATE OF WISCONSIN, *Marathon County, ss:*

Charles S. Gilbert, being first duly sworn, deposes and says as follows: I live at Wausau, Wisconsin. In the fall of 1900 I learned from newspaper notice that there was to be a Government sale of certain townships of lands in the White Earth Reservation. I also learned from this notice that this sale was to be held at the Crookston land office November 27th, 1900.

I sent to Washington for descriptions of the lands and for such information regarding the sale that I could get and I secured a pamphlet that the Government had sent out containing descriptions of the lands and estimates of the timber on the lands and the minimum price of the same. After I received what information I could about the sale I employed some estimators to go upon the land and make estimates of the pine timber upon it. These estimators went on the land and made estimates of timber on a part of the lands. I paid about $1,500 for making such estimates. There were eight of these estimators.

I was at Crookston on the day of the sale intending to bid in and purchase some of the lands offered, provided I could purchase them at a reasonable price. When the lands were offered at the sale I bid on various tracts as they were offered by the officers making the sale. Some of the tracts that I bid on were bid in by others because their bids were higher than mine. The tracts I bought were sold to me because my bid was the highest. On some of the lands bid in by me I paid more than I thought the lands were worth for the reason that I thought if I could secure them it would help me to get a body of land that was contiguous and in a reasonably compact form.

I can not now remember how many tracts or what were the descriptions that I bid on that were sold to others, because their bids were the highest. I did not charge my mind with this.

As to some of the tracts that I bid in, the price I paid was more than the minimum price fixed by the Government I did not know at the time of the sale and have never known who the Government estimators were who estimated the timber on these lands. I never had any talk or conversation at any time with any of these Government estimators. On some of the tracts my estimators reported more timber to me than had been found by the Government estimators, and on some of the tracts less than the amount found by the Government estimators. As a whole, however, the difference between my estimates and the Government estimates was no greater than frequently exists between the estimates of different estimators, estimating timber on the same land.

Neither before nor at said sale did I enter into any arrangement, understanding, or combination with any other bidder at the sale to prevent competition at the sale, or to prevent any other bidder from bidding on any of said lands, or to prevent any of said lands from selling at their fair value.

In my judgment, basing my judgment upon the estimates I had made of the timber on the lands bid in by me, the amount for which the lands were sold to me at this sale, was a fair and reasonable price for them. I base my judgment and opinion in this matter upon my experience in dealing in and buying and selling pine lands and pine timber in the State of Minnesota and the State of Wisconsin. I bid in and purchased these lands in entire good faith.

I have annexed to this affidavit a list of the lands that I bought at the sale, with the number of the cash entry, and marked said list "Schedule A," and make the same a part of this affidavit.

CHARLES S. GILBERT.

Subscribed and sworn to before me this 27″ day of December, A. D. 1902.

[SEAL.] A. A. BORK,
Clerk Circuit Court, Marathon County, Wis.

SCHEDULE A.

C. E. No. 1039: W. ½ NW. ¼, NE. ¼ of SW. ¼, lots 2–3 & 4, N. ½ of SE. ¼, SE. ¼ of SE. ¼ and lot 1, section 17, township 143 north of range 37 west.

C. E. No. 1040: SE. ¼ of NE. ¼, lots 11, 10, 9, 8, 2, 6, 7 of section 18; lots 4–5–3 & 6 of section 19; S. ½ of SE. ¼ section 20, township 143 north of range 37 west.

C. E. No. 1041: W. ½ of NE. ¼, SE. ¼ of NE. ¼, lots 2–3 & 4, SE. ¼ of NW. ¼, NE. ¼ of SW. ¼, S. ½ of SW. ¼, lot 6, N. ½ of SE. ¼ and SW. ¼ of SE. ¼ of section 28, township 143 north of range 37 west.

C. E. No. 1042: NW. ¼ of NE. ¼, lots 2–3 & 4, NW. ¼, NW. ¼ of SW. ¼, S. ½ of SW. ¼ and lot 5 of section 29, township 143 north of range 37 west.

C. E. No. 1043: Lots 1 & 6, SE. ¼ of NW. ¼, NE. ¼ of SW. ¼, lot 8, SE. ¼ of SW. ¼ and SE. ¼ of section 30, township 143 north of range 37 west.

We refer to the affidavit of Hon. Ray W. Jones, lieutenant governor of Minnesota, in corroboration of Mr. Gilbert's affidavit and ask that they be read together.

NEAL BROWN,
Attorney for C. S. Gilbert.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of the suspension of certain entries of land made November 27th and 28th, 1900, at the public sale of the pine lands in the four ceded townships of the White River Reservation.

STATE OF MINNESOTA,
County of Ramsey, ss:

Ray W. Jones, being duly sworn, deposes and says as follows:

I live at Minneapolis, Minnesota; I am and have been for more than fifteen years last past engaged in the business of logging and lumbering, and purchasing pine lands and pine timber.

I attended the sale of public lands held at Crookston November 27th and 28th, 1900, for the purpose of buying a portion of the lands advertised to be sold if I could get them at what I thought they were worth. I was present during the entire two days of the sale and bid upon a great many different tracts of land as they were offered, but I found the competition in bidding so strong and prices were run up so high that my bids did not take the property. In my judgment, the lands upon which I bid and failed to get the property were sold for more than they were then worth; and this is also true of a great many other tracts of land which were sold at the same sale to the highest bidder, but upon which I did not see fit to bid at all.

The fact is that during the entire sale there was active competition in the bidding for all of the desirable lands, there being present and bidding, in my judgment, more than one hundred persons.

RAY W. JONES.

Subscribed and sworn to before me this 29th day of December, A. D. 1902.

[SEAL.] WALTER T. LEMON,
Notary Public, Minnesota.

This affidavit of Hon. Ray W. Jones, of Minnesota, is offered and filed in corroboration of the affidavit of Mr. Chas. S. Gilbert.

NEAL BROWN,
Attorney for Chas. S. Gilbert.

UNITED STATES LAND OFFICE,
Crookston, Minnesota.

STATE OF MINNESOTA,
County of Polk, ss:

Carl Hendricksen, being first duly sworn, upon his oath says that he is over the age of 21 years and resides at Grafton, in the county of Walsh and State of North Dakota, and has resided in said State for more than twenty years last past.

That on the 28th day of November, 1900, he attended the public sale of pine land at said land office and he was a bidder at said sale. That he purchased at said sale the following-described lands, to wit, NW. ¼ SW. ¼ sec. 5, NE. SE. ¼ sec. 6, SE. ¼ SE. ¼ sec. 8, SW. ¼ NE. ¼, SW. ¼ SW. ¼ sec. 14, SW. ¼ SE. ¼ sec. 15, W. ½ NE. ¼, NW. ¼ NW. ¼ sec. 27, township 145 N., range 37 W.; and the NE. ¼ SE. ¼ sec. 14 and SE. ¼ NE. ¼ sec. 29, township 146 N., range 37 W., and received receipt from said land office No. 1073 for $1,469 and No. 1074 for $255.

That this affiant was not at the time of said sale or at any time in collusion or conspiracy with any other person or persons whatsoever and had no arrangement, agreement, or understanding of any kind whatever with any other bidders at said sale. That this affiant purchased the said land in good faith and upon his own sole and individual account and not for the account or benefit of any other person or persons whatsoever. That affiant has not received patent for said land and that he is desirous of receiving same, and he makes this affidavit for that purpose; and further affiant sayeth not.

CARL HENDRICKSEN.

Subscribed and sworn to before me this 8th day of December, 1902.

FRED DENNIS,
Notary Public, Polk County, Minn.

STATE OF MINNESOTA,
County of Polk, ss:

Lewis Ellington and A. P. Hanson, being each duly sworn for himself, says that he is cashier and assistant cashier, respectively, of the Scandia American Bank of Crooks-

ton, Minnesota, and that he has known Carl Hendricksen, the person who made the foregoing affidavit, for many years last past. That they know the said Carl Hendricksen to be honest and reliable and worthy of belief, and that he has read the foregoing affidavit of the said Carl Hendricksen and that he believes the statements therein made to be true. Further affiant sayeth not.

LEWIS ELLINGTON.
A. P. HANSON.

Subscribed and sworn to before me this 8th day of December, 1902.

FRED DENNIS,
Notary Public, Polk County, Minn.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Samuel McClure. On notice to show cause why certain entries should not be canceled.

STATE OF MINNESOTA,
County of Ramsey, ss:

Samuel McClure, having been by me first duly sworn, on oath did depose and say as follows:

My name is Samuel McClure. I live at Stillwater, Minnesota. I am and have been for many years engaged in logging and lumbering and buying and selling pine lands and pine timber. I was present at the sale of public lands held at the Crookston land office on November 27th and 28th, 1900, and purchased certain tracts of land that were offered for sale at that time, as follows:

C. E. No. 1083: SW. ¼ SE. ¼ sec. 6; NE. ¼ NE. ¼ sec. 11; E. ½ NE. ¼, NE. ¼ SE. ¼, sec. 17; NE. ¼ NE. ¼ sec. 18; NW. ¼ NE. ¼, E. ½ NW. ¼, lot 1, sec. 30, T. 145 N., R. 37 W.

C. E. No. 1084: N. ½ NE. ¼, SE. ¼ NE. ¼, N. ½ SW. ¼, NE. ¼ SE. ¼, S. ½ SE. ¼, sec. 33; NE. ¼ NE. ¼ sec. 34, T. 145 N., R. 37 W.

Upon each and every tract of land that was sold to me I had considerable competition from other bidders, and in many cases was compelled to, and did in fact, pay more than I considered the timber worth.

I had no estimates made by any parties and no knowledge as to the amount of timber upon the lands except the estimates made for the Government, and upon which the minimum price at which the land could be sold were based. I had nothing whatever to do with the making of such Government estimates, nor did I know any of the men who made the same, and my judgment as to the value of the land, so far as the timber was concerned, was based entirely upon such Government estimates. I had a general knowledge of the locality in which the lands were situated, and believed, and still believe, that some of the lands had some value outside of the mere value of the timber, and in cases where I paid more than I considered the timber worth I did so because I believed the value of the land would reimburse me.

I made all my bids in perfect good faith, without having made any agreement or entered into any combination with any person or persons whomsoever to prevent competition in bidding, or to induce the sale of said lands or any thereof for less than they were worth. I have attended many sales of lands and timber belonging to the State and the General Government, and I never saw any more active competition in bidding for lands than took place at that sale while I was there, not only with reference to the lands I bid upon myself, but with reference to other lands which I did not care to bid upon.

I therefore urge that patents for the lands purchased by me at that sale may be issued at once, and I offer to make any further showing with reference to my own purchases that may be required.

SAMUEL MCCLURE.

Subscribed and sworn to before me this 22nd day of December, A. D. 1902.

[SEAL.]

A. W. CLAPP,
Notary Public, Ramsey Co., Minn.

J. N. SEARLES, ATTORNEY AT LAW,
Stillwater, Minn.

STATE OF MINNESOTA,
County of Washington, ss:

Wm. Kaiser, being first duly sworn, deposes as follows: On Nov. 22, 1900, he attended a public sale of land of the Chippewa lands at Crookston, Minn., and bid off the NW. qr. of the SE. qr. of sec. No. 1, town. 143 north, of range No. 37 west, for the sum of two hundred and twenty ($220) dollars, and did so in good faith and paid the full amount of said bid, for which the receiver at said land office gave deponent his receipt therefor in the usual form.

Deponent has no knowledge of any fact that invalidated said sale, nor any reason why the same should be canceled. Deponent would have bid in more land at said sale, but he was disappointed in receiving funds in time to enable him so to do.

Further, deponent avers that he was not in collusion with anyone in making said bid, but acted solely for himself and in his own exclusive interest, and prays that said sale may be sustained and patent issued to him therefor.

Further deponent sayeth not.

WM. KAISER.

Subscribed and sworn to before me this 30 Dec., 1902, at Stillwater, Washington Co., Minn.

[SEAL.]

J. N. SEARLES,
Notary Public, Washington Co., Minn.

UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of notice to show cause why entry of Thomas Munroe should not be cancelled.

STATE OF MICHIGAN,
County of Muskegon, ss:

On this 5th day of January, A. D. 1903, before the undersigned, a notary public in and for said county and State, personally appeared Thomas Munroe, who, being by me first duly sworn, did depose, say, and testify as follows:

My name is Thomas Munroe; I live at Muskegon, Michigan; I am the same Thomas Munroe who on the 28th day of November, 1900, made cash entry No. 1047 at the land office at Crookston, Minnesota, for NE. ¼ of NE. ¼, S. ½ of NE. ¼, lots numbered 1 and 2, and SE. ¼ of NW. ¼ of section 31, town 143, range 37.

I bought that land at public sale in active competition with other bidders and paid my money for it in perfect good faith. I should have liked to buy more land at the same sale, but the prices were too high in my judgment. I received on the 9th day of December, 1902, a letter from the register of that land office requiring me to show cause why my entry should not be cancelled for certain reasons set forth in an accompanying copy of a letter from the Assistant Commissioner of the General Land Office to the register and receiver at Crookston. I certainly never made any agreement, arrangement, or combination whatever, either with the parties named in that letter or with anybody else, in relation to that sale or the bidding thereat. I knew nothing in reference to the Government estimates except what I saw in the printed list furnished all the bidders and upon which the minimum price at which the lands could be sold was fixed, and I purchased the few descriptions I did get relying on these estimates as correct.

I make this affidavit so as to comply with the register's notice. There is certainly no reason known to me why patent should not issue.

THOMAS MUNROE.

Subscribed and sworn to before me this 5th day of January, A. D. 1903.

DANIEL UPTON,
Notary Public, Muskegon County, Michigan.

UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Richard H. Chute. On notice to show cause why entry should not be canceled.

STATE OF MINNESOTA,
County of Hennepin, ss:

Richard H. Chute, being by me first duly sworn, says: I live at Minneapolis, in Hennepin County, Minnesota. I attended the sale of lands held at the land office, in Crookston, Minnesota, on the 27th and 28th days of November, 1900, and bid in the following lands: SE. ¼ SE. ¼ sec. 29; S. ½ NE. ¼, E. ½ SW. ¼, W. ½ SE. ¼, sec. 31, and NW. ¼ NE. ¼ sec. 34, all in town 144, range 37 west.

I did not make any agreement with any other person or party either before or at said sale to prevent competition in bidding at the sale or to prevent the lands selling at their fair value.

There was active competition in the bidding during the sale. I think I paid all the lands that I bought were fairly worth.

There were at least fifty people bidding at different times and as many as one hundred people present most of the time.

I had in my possession estimates of the lands made for the purpose of testing the accuracy of the Government estimates. I had no other knowledge or information concerning the accuracy or fairness of the Government estimates. From such information as I had I had no reason to suppose that the men who estimated for the Government were not competent or that they had not made a fair estimate.

I make this affidavit in response to a notice to show cause why my entry should not be canceled, and ask, that my patent be speedily issued.

RICHARD H. CHUTE.

Subscribed and sworn to before me this 2nd day of January, 1903, A. D.

[SEAL.] C. A. BARTON,
Notary Public, Hennepin County, Minn.

STATE OF MINNESOTA,
County of Hennepin, ss:

C. F. Welles, being first duly sworn, deposes and says that he is a resident of Hennepin County, Minnesota; that he is a stockholder in the Brainerd Lumber Company, a corporation engaged in the manufacture of lumber at Brainerd, Minnesota; that on November 27th, 1900, he attended the public sale of Chippewa pine lands at Crookston, Minnesota, for the purpose of purchasing, for the use and benefit of the said Brainerd Lumber Company, certain descriptions of the pine there and then offered for sale at public auction; that at said sale affiant bought certain descriptions of pine land, which descriptions, with the Government estimate and price paid for the same, are hereto annexed.

That in buying at said sale affiant was forced to bid in competition with numerous other bidders present and affiant verily believes that the price paid for said pine timber was all that the same was reasonably worth at the time of said sale; that affiant entered into no agreement, either oral or written, nor any arrangement of whatsoever kind or nature with any other person, individual, or corporation whereby affiant agreed in any manner not to bid on any particular descriptions offered at said sale, nor did affiant enter into any agreement with any person, individual, or corporation for said person, individual, or corporation not to bid against affiant on descriptions which affiant desired to purchase.

C. F. WELLES.

Subscribed and sworn before me this 13th day of January, A. D. 1903.

[SEAL.] THEO. S. MCLAUGHLIN,
Notary Public, Hennepin County.

TOWN 144, RANGE 37.

	Section.	Government estimate.	Price paid.
NW. ¼ NE. ¼	33	105 M.	$515.00
SW. ¼ SW. ¼	33	22 "	66.00
SE. ¼ SW. ¼	33	25 "	75.00
SE. ¼ SE. ¼	33	100 "	300.00
NW. ¼ NE. ¼	34	45 "	135.00
SW. ¼ NE. ¼	34	90 "	270.00
SE. ¼ NW. ¼	34	77 "	231.00
NE. ¼ SW. ¼	34	21 "	63.00
NW. ¼ SW. ¼	34	22 "	66.00
SE. ¼ SW. ¼	34	40 "	120.00
NE. ¼ SE. ¼	34	77 "	231.00
SW. ¼ NW. ¼	35	145 "	435.00
NE. ¼ SW. ¼	35	178 "	534.00
NW. ¼ SW. ¼	35	100 "	300.00
SE. ¼ SW. ¼	35	130 "	390.00
SE. ¼ SE. ¼	35	40 "	120.00

TOWN 145, RANGE 37.

Lot 1	1	17 M.	$51.00
Lot 2	1	340 "	1,020.00
NE. ¼ SE. ¼	2	80 "	240.00
SW. ¼ SE. ¼	2	80 "	240.00
SE. ¼ SE. ¼	2	52 "	156.00

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Hovey C. Clark, et al. On motion to show cause why certain entries should not be canceled.

STATE OF MINNESOTA,
County of Norman, ss:

On this 9th day of January, A. D. 1903, before the undersigned, a notary public for Norman County, State of Minnesota, personally appeared Fred L. Hampson, who having been first duly sworn, on oath did testify as follows:

My name is Fred L. Hampson, residing at Ada, Minnesota. I am the party who made cash entries Nos. 1077 and 1078 on the 28th of November, 1900, upon the following lands:

Cash entry No. 1070: SW. ¼ of NE. ¼ of section 7, town, 145–37.

Cash entry 1078: SE. ¼ of SW. ¼ of section 29; NE. ¼ of SE. ¼ of section 31; N. ½ of NE. ¼ of section 32; and NW. ¼ of NW. ¼ of section 33, township 146, range 37.

I bought these lands in good faith. None of the allegations in your notice that I can see apply to these lands. I am positive there was active competition for these lands and all around in this vicinity, and I paid all they were worth. The pine was not underestimated, as I have since found out. It is scattered, badly burned, and of small amounts. I know of no combination and am positive there could have been none that had any influence in affecting the bidding on these lands. I was in active competition with Carl Hicks, Ole Erickson, Carl Hendrickson, A. A. White, Otis Staples, and others for these lands and other lands in this vicinity. I am sure they, with the register and receiver and others, will corroborate me in above statements. I bid on other lands that went to others because I thought they bid more than they were worth to me. I see no reason why patents are withheld from me and respectfully ask that they be issued without further delay.

FRED L. HAMPSON.

Subscribed and sworn to before me this 9th day of January, A. D. 1903.

C. J. TOFGREN,
Notary Public, Norman Co., Minn.

STATE OF MINNESOTA, *County of Ramsey:*

Otis Staples, being by me first duly sworn, deposes and says: That he attended a public sale of pinelands situate in the four ceded townships of the White Earth Reservation, in the State of Minnesota, said sale occurring at the United States land office at the city of Crookston, in the State of Minnesota, on the twenty-seventh and twenty-eighth days of November in the year nineteen hundred; that at said sale he bid in the following-described tracts:

C. E. 1091, Nov. 28, 1900, lot 1, section 1, SE. ¼ of SW. ¼ and lot 4, section 7; W. ½ of SE. ¼ section 13, NE. ¼ of SE. ¼ section 20, NW. ¼ of NW. ¼ and W. ½ of SW. ¼, section 21; NE. ¼ of NE. ¼ section 24, NE. ¼ of NE. ¼ section 25, NW. ¼ of NW. ¼ section 27, W. ½ of NW. ¼ section 28, township 146 N., range 37 west.

C. E. 1092, Nov. 28, 1900, S. ½ of SE. ¼, section 29, SW. ¼ of NE. ¼, S. ½ of NW. ¼, NE. ¼ of SW. ¼ and NW. ¼ of SE. ¼ section 32, township 146 N., range 37 west.

C. E. 1093, Nov. 28, 1900, E. ½ of SW. ¼ and NW. ¼ of SE. ¼ section 8; W. ½ of NE. ¼ and W. ½ of SE. ¼ section 17; W. ½ of N.E. ¼ and lots 1 and 2 section 20; NW. ¼ of SW. ¼ and lot 4 section 22, township 148 N., range 35 west.

C. E. 1094, Nov. 28, 1900, N. ½ of NE. ¼ and lots 2 and 3 section 27; E. ½ of NW. ¼ section 29, lots 2 and 3 section 31, township 148 N., range 35 west.

That his bid for said tracts of land was made in perfect good faith, and that the price at which said land was struck off to him was a fair and reasonable price therefor.

And affiant further says that at said sale and in connection with the bidding for said land affiant did not enter into any agreement with any other person or persons, collusive or otherwise; and that affiant did not enter into any agreement or arrangement of any kind designed to or affecting the price bid for said land.

OTIS STAPLES.

Subscribed and sworn to before me this 31st day of December, A. D. 1902.

[SEAL.] A. W. CLAPP,
Notary Public, Ramsey Co., Minn.

AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

To the honorable Register and Receiver of the United States Land Office, Crookston, Minnesota, and to the honorable Commissioner of the General Land Office, Washington, D. C.

STATE OF MINNESOTA,
County of Beltrami, ss:

Andrew P. Moen, being first duly sworn, upon oath deposes and says:

I. That he is a citizen of the United States and was so on the 27 and 28th day of November, 1900, at which time he attended and bid for pinelands at a public sale of such lands held at Crookston, Minnesota, on the above-mentioned dates, and that proof of his citizenship is now of record in Washington, D. C.

II. That the pinelands sold at the above-mentioned sale were those in the four ceded townships of the White Earth Reservation, said sale being made under the act of January 14, 1889 (25 Stat., 842), as amended by the act of February 26, 1896 (28 Stat., 17).

III. That he attended said sale solely for the purpose of bidding for and purchasing five forties of said land, but that he is only a poor man of small means, and was therefore unable to compete with the moneyed bidders who attended said sale, and that he therefore was unable to get more than one of the said forties, as the others were bid away from him, he being only a farmer and not being able to compete with the bidders who bid against him.

IV. That he did bid for and did purchase the SE. ¼ SE. ¼ of sec. 9 in township No. 146 N., of range No. 37 W., and that he paid therefor the sum of eighty dollars ($80.00), and received a receipt No. 1095 for said land from the honorable receiver of the United States land office at Crookston, Minnesota, on the 28th day of November, 1900.

V. That eighty dollars ($80.00) was and is all that the land is reasonably worth; that it was estimated as having on it ten thousand feet of pine, and that said estimate was fully large enough, as there was no more than that amount, as affiant verily believes.

VI. That he had no knowledge of any combination among the bidders at the sale, and that he bid on all of the forties which he wished to purchase all that he considered

them worth, and that he bid for the above-described land all that it was worth, and that he had no knowledge at the time he so bid that there was a combination of to oppose competition, but that he was greatly opposed in said bidding by other bidders, and that he therefore had to bid all, if not more, than the said land was reasonably worth in order to get even one forty of said land at said sale

VII. That he is a poor man and had to borrow the money with which he made said purchase and had to give a mortgage for such money, and is now paying ten per cent interest on said loan; and as he has been notified not to do anything with said land until the question of the validity of said sale can be determined by your office he has been greatly inconvenienced and put to big expense in this matter, as the land which he bid for is low, and can be made into a good meadow, and it is for the hay which he can raise thereon that he wanted said land, and not for the 10,000 feet of pine which it is estimated as containing.

VIII. That he had no knowledge of any fraud on the part of the estimators who estimated said land, as he does not know them, and has had no dealings of any kind with them, and further that he believes that they estimated said forty as containing *more* not *less* than it actually contains.

Wherefore, the affiant respectfully asks that his purchase be at once confirmed, and that he be permitted to go ahead and improve said land, as said land was assessed at only fifty dollars ($50.00), and affiant has paid therefor eighty dollars ($80.00) and is greatly damaged in not being permitted to improve and make said land self-paying.

ANDREW P. MOEN.

Subscribed and sworn to before me at my office in Bagley, Beltrami County, Minnesota, this 8th day of December, 1902.

[SEAL.] FRANK J. NEWMAN,
Notary Public for Beltrami County, Minnesota.

STATE OF MINNESOTA,
County of Beltrami, ss:

Also appeared at the same time and place Ole Erikson and S. E. Odegard, who, being first duly sworn, depose and say, that they have heard the foregoing affidavit of Andrew P. Moen read and that they know of their own knowledge that the facts therein set forth in regard to the land in question are true, and also that Andrew P. Moen is a poor man. Ole Erikson further affirms that he was present at the above-mentioned sale, and that he knows the affiant, Andrew P. Moen, was greatly opposed in his bids for said land, as he heard the bidding thereat, and that he also purchased land at said sale and his purchases have been ratified.

OLE ERIKSON.
S. E. ODEGARD.

Subscribed and sworn to before me at my office in Bagley, Beltrami County, Minnesota, this 8th day of December, 1902.

[SEAL.] FRANK J. NEWMAN,
Notary Public for Beltrami County, Minnesota.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Crookston, Minnesota.

In the matter of Hovey C. Clarke. On notice to show cause why certain entries should not be cancelled.

STATE OF MINNESOTA,
County of St. Louis, ss:

F. W. Heimick, being by me first duly sworn, on oath deposes and says:

That he resides at the city of Duluth, Minnesota; that he is and has been for some years last past engaged in the business of buying and selling pine lands and pine timber; that he was present at the sale of public lands held at Crookston, Minnesota, on the 27th and 28th days of November, 1900; that the said sale was attended by a large number of persons, many of whom participated in bidding for a great many different tracts of land, and that there was active and strong competition between bidders upon a great many different tracts.

Deponent further says that he did not himself bid for or purchase any lands at that sale, but that he was in possession of estimates of a large number of different tracts of the land that was to be offered, which estimates had been made for the purpose of

testing the accuracy of the Government estimates, and that, in his judgment, taken as a whole, the lands sold at that sale brought all they were fairly worth at that time.

Deponent further says that the estimates in his possession at the time of said sale, while not agreeing exactly with those made by the Government estimators, did not show any more discrepancy than deponent has found between estimates made for private parties on the same tract of land by different men.

Deponent further says that the number of persons present at said sale, from time to time, in deponent's judgment exceeded fifty, and that in his judgment at least twenty-five different persons were bidders in competition at different times.

F. W. HEDRICK.

Subscribed and sworn to before me this 30th day of December, 1902.

W. D. BAILEY,
Notary Public, St. Louis County, Minn.

ARTHUR M. SEEKELL, sworn by Chairman Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Tell your full name.—A. Arthur M. Seekell.

Q. Where do you reside, Mr. Seekell?—A. Minneapolis.

Q. How long have you lived in this city?—A. A little more than a year.

Q. What is your present occupation?—A. I am special assistant to the Attorney General.

Q. Is this your home?—A. No, sir; it is not.

Q. Where is your home?—A. In New York State.

Q. And your business when there?—A. Attorney at law.

Q. How long have you lived in New York State?—A. All my life.

Q. How long have you practiced law there?—A. Admitted in 1894.

Q. And continued in the practice constantly from that time on?—A. Yes, sir.

Q. Are you acquainted with the White Earth Reservation?—A. To some extent; yes, sir.

Q. Have you been over it much?—A. Quite a good deal; yes, sir.

Q. Since when?—A. Since December, 1909.

Q. How have you traveled over it—on railroad only, or in other ways?—A. I have driven over it and been on the railroad.

Q. In both the prairie and timber portions of it?—A. I have not been in the timber portions very much.

Q. How many stations, with villages, are there on the railroad that runs through the reservation?—A. I think about five.

Q. The map indicates one at the south line, Callaway. That is a railroad station and a village?—A. Yes, sir.

Q. About what population has that village?—A. It is quite small. I should not think more than three or four hundred.

Q. And what is the character of the population, with reference to race?—A. I should say not more than one-fourth of white people.

Q. And the other three-fourths Indian?—A. Yes, sir.

Q. Are any of the Indians in mercantile business there?—A. I don't know, sir.

Q. What is the support of the business there, the Indians or the white people who live in the surrounding country?—A. It comes from both of them.

Q. Do the Indians farm the land and raise crops?—A. Very little, so far as I have observed.

Q. Do they raise any crops to sell?—A. But very little.

Q. Going north, the next one which appears on the map is Ogema. How large a place is this?—A. Perhaps 600.

Q. Nearly or about twice as large as Callaway, is it?—A. Yes, sir.

Q. What are the proportions of the races in that town?—A. I should think about the same as in Callaway.

Q. One-fourth white and three-fourths otherwise?—A. I should think so; yes, sir.

Q. And are the other conditions about the same?—A. I think they are; yes, sir.

Q. The next one is Waubun. Is that the correct pronunciation of it?—A. Yes, sir.

Q. How large is it?—A. I think about the same size as Ogema.

Q. And as to the proportion of the inhabitants as to race, what do you say?—A. I think about the same.

Q. Do you know whether the business in those villages is carried on exclusively by the white people, or are the Indians sometimes business men there?—A. I know nothing about the business conditions at Waubun.

Q. The next one is the county seat, Mahnomen. How large is it?—A. I think they claim 700 people.

Q. And what do you say as to the proportion of the races there?—A. The proportion of white people is not so great.

Q. Now, would you express it in figures what you think the proportion of white to Indian is in Mahnomen?—A. Not more than one-tenth.

Q. The courthouse for the county is there?—A. Yes, sir.

Q. From what source are the taxes for public purposes obtained mostly in the county?—A. I don't know, except by taxation on the lands.

Q. Do you know to what extent the Indians there pay taxes?—A. I do not.

Q. There appears to be but one more village in the county on the railroad—Bejou. How big is it?—A. Very small; 200 people, perhaps.

Q. How many stores or business houses are in it; do you know?—A. I think only two.

Q. Any bank?—A. I think not.

Q. How many banks in Mahnomen?—A. Two.

Q. How many in Ogema?—A. Two.

Q. How many in Waubun?—A. Two, I think.

Q. How many in Callaway?—A. I think but one in Callaway.

Q. Well, if you measure the condition of the country surrounding it by the number of banks in it would you conclude that the country around those little towns was prosperous to justify and maintain two banks in a town of 600?—A. I know but little of the banking business of those towns.

Q. To what extent is the land within, say, 10 miles each way of Waubun, cultivated and productive?—A. I think about Waubun the land is cultivated to quite an extent by some white people, more than at any of the other stations.

Q. How about Ogema?—A. Very little cultivation anywhere near Ogema.

Q. And there are two banks there?—A. I think so.

Q. What sustains them?—A. I don't know, sir.

Q. Do you know in any way what the habit of the Indian people there is with reference to keeping bank accounts?—A. I do not.

Q. Do you own any property on the reservation?—A. I do not.

Q. Have you ever owned any property there?—A. No, sir.

Q. Have you during the time you have been acquainted with the reservation—have you given any attention to land values there?—A. I have observed land values as placed by those who were dealing in them.

Q. Well, did you have a knowledge of what land bought and sold for at fair sale, not forced sale nor foolish sales, but fair sales?—A. My only knowledge is that gained by consulting the records of actual sales.

Q. Were those sales between white people or between white people and Indians?—A. Between white people and Indians.

Q. Did you know the individuals yourself?—A. I did not.

Q. You had no knowledge, then, as to whether the sale would be a fair test of the value of the land or not?—A. I had not.

Q. Have you any financial interest of any sort in the reservation or any property on the reservation?—A. No, sir.

Q. As farmer, banker, timberman, or otherwise?—A. No, sir.

Examined by Mr. BURCH:

Q. Mr. Seekell, you have been largely engaged during the past two years in consulting and abstracting the records of the three counties of Clearwater—as far as the reservation lands were concerned—Mahnomen, and Becker?—A. Yes, sir.

Q. You have done a large amount of work in that connection?—A. Yes, sir.

Q. Making abstracts of the condition of title?—A. Yes, sir.

Q. Do you, casting your eye toward the map in front of you over yonder on the wall, know about what are called the four eliminated townships, townships that were segregated and sold from the original White Earth Reservation?—A. Yes, sir.

Q. Were you at any time directed to make abstracts of the titles to the lands in those four townships?—A. I was.

Q. By whom?—A. By you.

Q. Did you do so?—A. I did.

Q. Alone, or with assistants or associates?—A. With Mr. Charles W. Smith.

Q. What is he?—A. Special agent of the Department of Justice.

Q. At what place did you make these abstracts?—A. At Bagley, Minn.

Q. That is the county seat of Clearwater County?—A. It is.

Q. Are these four townships situated in that county?—A. They are.

Q. When was that? When did you do that work?—A. I think it was in the latter part of September last and the early part of October.

Q. Will you look at this bunch of papers I now hand you, and examine them? I don't know that you will have to go over all of them in order to answer the question.

Q. Mr. Seekell, have you looked over this bunch of papers?—A. I have.

Q. What are they?—A. They are the original abstracts which Mr. Smith and I prepared in Bagley, Minn.

Q. In whose handwriting are they?—A. My own.

Q. Do you know, in substance, how many there are?—A. Each abstract contains the lands embraced in one Government patent.

Q. Do you know how many there are, approximately?—A. I think about 30.

Q. Did you collaborate with Mr. Smith in this work or did you do it independently?—A. We did it together.

Q. What do you say as to their being substantially correct abstracts of the records?—A. I believe them to be.

Q. You were not in here when I offered in evidence a letter from Commissioner Richards, from the General Land Office, to Secretary Hitchcock?—A. No, sir; I was not.

Q. Have you ever seen it?—A. I have not.

Mr. BURCH. Now, I don't know whether the committee will desire to go through these abstracts themselves or whether this witness should be asked to go through them and state in the record the time when the conveyances were made and to whom they were made. If the committee will choose to examine them after they are printed, that will save that trouble.

Mr. GRAHAM. As to all dates and transfers, they speak for themselves. The only question that is material now is the correctness of them. If they are shown to be correct, they are competent.

Mr. BURCH. Yes; I knew that. But I have a certain inference that I asked the committee to draw from the contents of those abstracts. In other words, I hope to show that in the instance of most of these conveyances, they were not recorded, if made at all, until after the expiration of the statute of limitation in criminal cases.

Mr. GRAHAM. That will appear from the record.

Mr. BURCH. It will appear from the record, I think, but I did not know that the committee would desire to have that.

Mr. GRAHAM. I think we ought not to take the time to go through.

Mr. BURCH. I offer them in evidence.

BURCH'S EXHIBIT NO. 17.

1. *Patents.*—United States to Almond A. White. Dated July 5, 1902. Filed Aug. 15, 1905. Deeds bk. 5, pages 349–351. Conveys plats A, B, C, D, E hereto.

2. *Warranty deed.*—Almond A. White & wife to A. A. White Townsite Co., St. Paul. Dated Nov. 7, 1904. Filed Nov. 15, 1904. Deeds bk. 10, p. 15. Cons. $1.00 & other. Conveys lands on plats A, D, & E hereto attached.

3. *Warranty deed.*—A. A. White Townsite Co. to Karen Helgeland. Dated Sept. 17, 1907. Filed Jan. 27, 1908. Deeds bk. 11, p. 412. Cons. $91.38. Conveys NW.[4] of NW.[4] 7–145–37.

4. *Warranty deed.*—A. A. White Townsite Co. to Frederick S. Kalberg. Dated Nov. 24, 1909. Filed Jan. 19, 1910. Deeds bk. 15, p. 556. Cons. $960. Conveys S.[2] of SE. 13, NE. of NE. 24, SE. of NW. 24, 145–37.

5. *Warranty deed.*—Frederick S. Kalberg & wife to J. O. Lerbeck. Dated Jan. 18, 1910. Filed Feb. 7, 1910. Deeds bk. 15, p. 472. Cons. $710. Conveys S.[2] of SE. 13, NE. of NE. 24, 145–37.

Nov. 3, 1911.

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1. *Patents.*—United States to Albert T. Hatcher. Dated April 18, 1902. Filed June 3, 1909. Deeds bk. 5, p. 485. Conveys plats A & B, hereto attached.

2. *Warranty deed.*—Albert T. Hatcher & wife to H. C. Akeley Lumber Co., Hennepin Co. Dated May 8, 1902. Filed Aug. 27, 1902. Deeds bk. K, p. 486. Cons. $2,712. Conveys plats A & B.

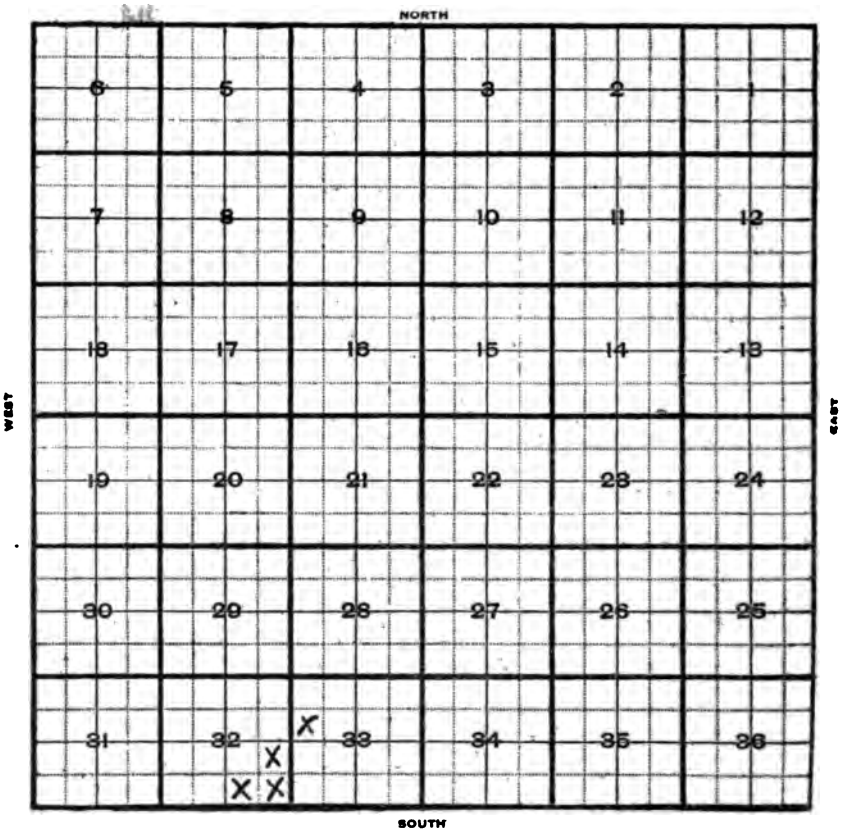
3. *Warranty deed.*—H. C. Akeley Lumber Co. to Hovey C. Clark. Date Dec. 15, 1904. Filed June 18, 1909. Deeds bk. 15, p. 536. Cons. $20,000. Conveys plats A & B hereto.

4. *Mortgage.*—Nichols Chisolm Lumber Co. Hovey C. Clark & wife, Thos. H. Shevlin & wife to Minneapolis Trust Co. Dated July 10, 1909. Filed July 17, 1909. Mtg. bk. 18, p. 259. Cons. $1,500,000. Conveys plats A & B hereto & others.

Nov. 2, 1911.

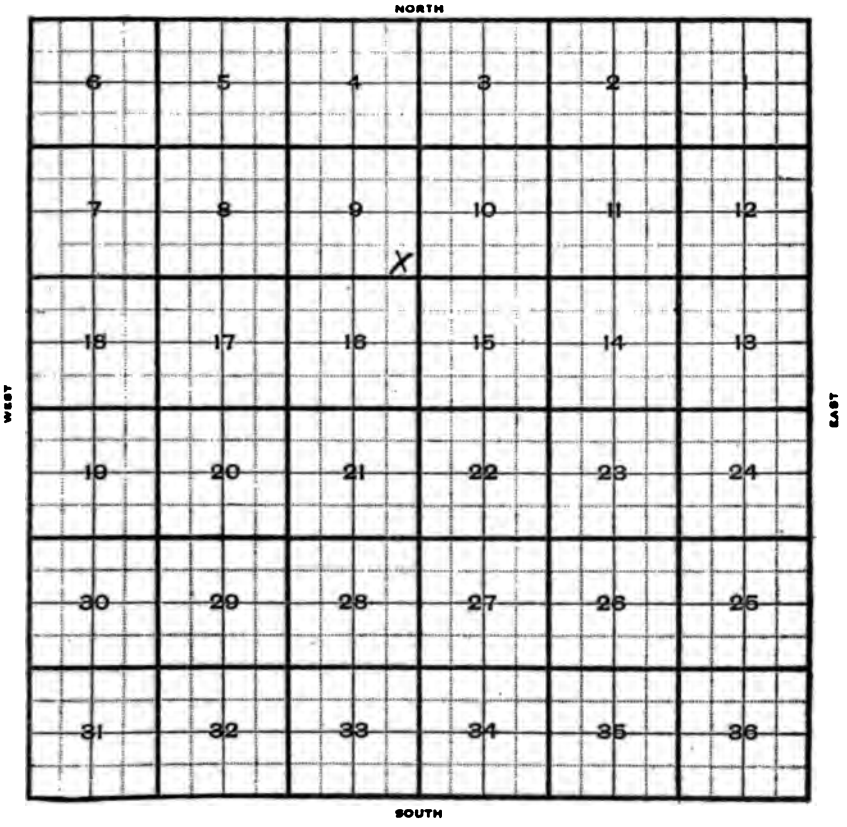
BURCH'S EXHIBIT NO. 17.

ANDREW P. MOEN—PLAT A. Township 145, range 37.



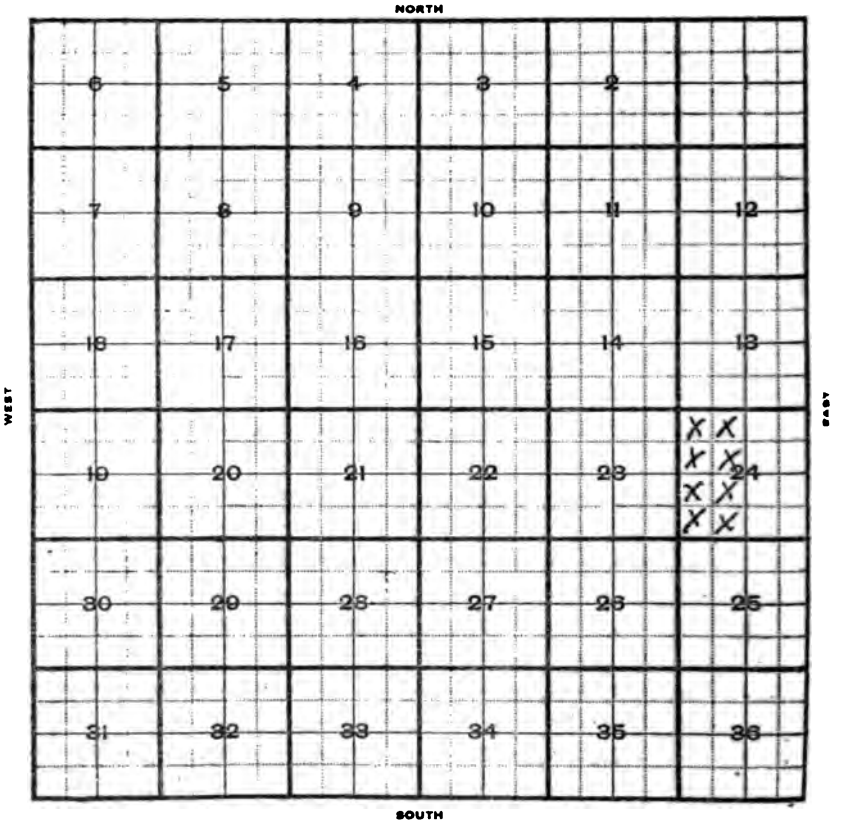
BURCH'S EXHIBIT NO. 17—Continued.

ANDREW P. MOEN—PLAT B. Township 146, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

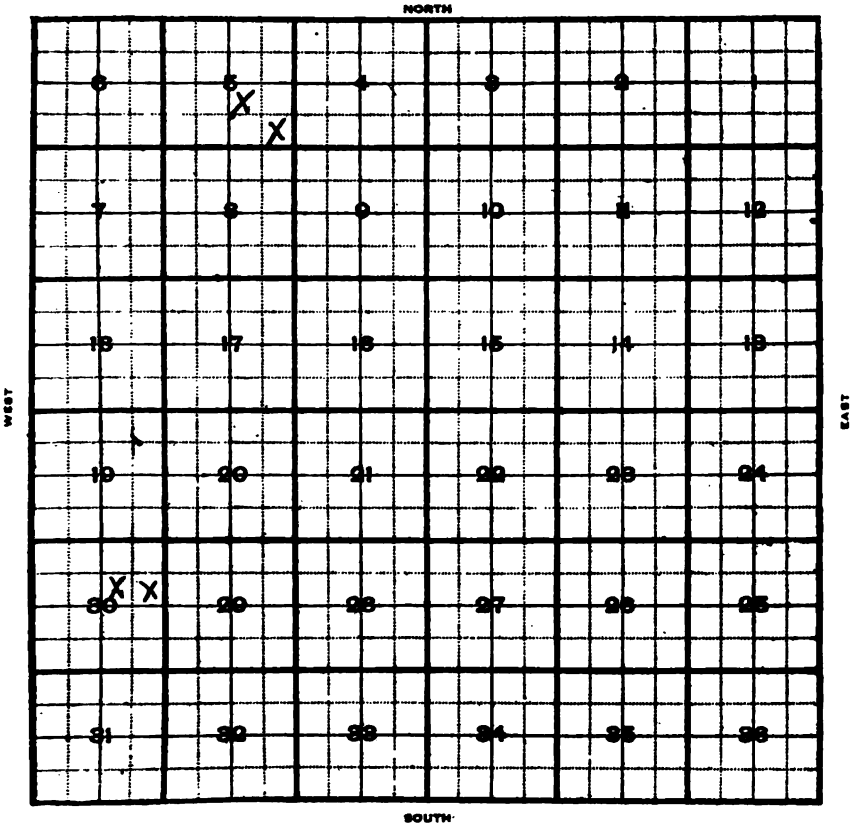
JOHN MCALPINE—PLAT A. Township 144, range 37.



Above lands still vested in patentee.

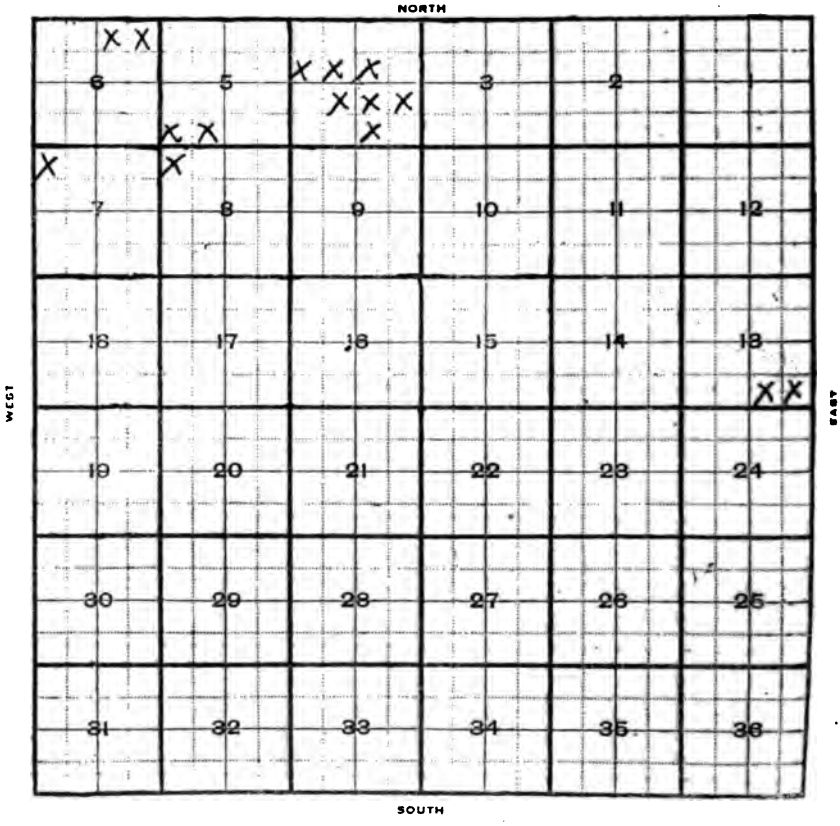
BURCH'S EXHIBIT NO. 17—Continued.

ALBERT T. HATCHER—PLAT A. Township 143, range 37.



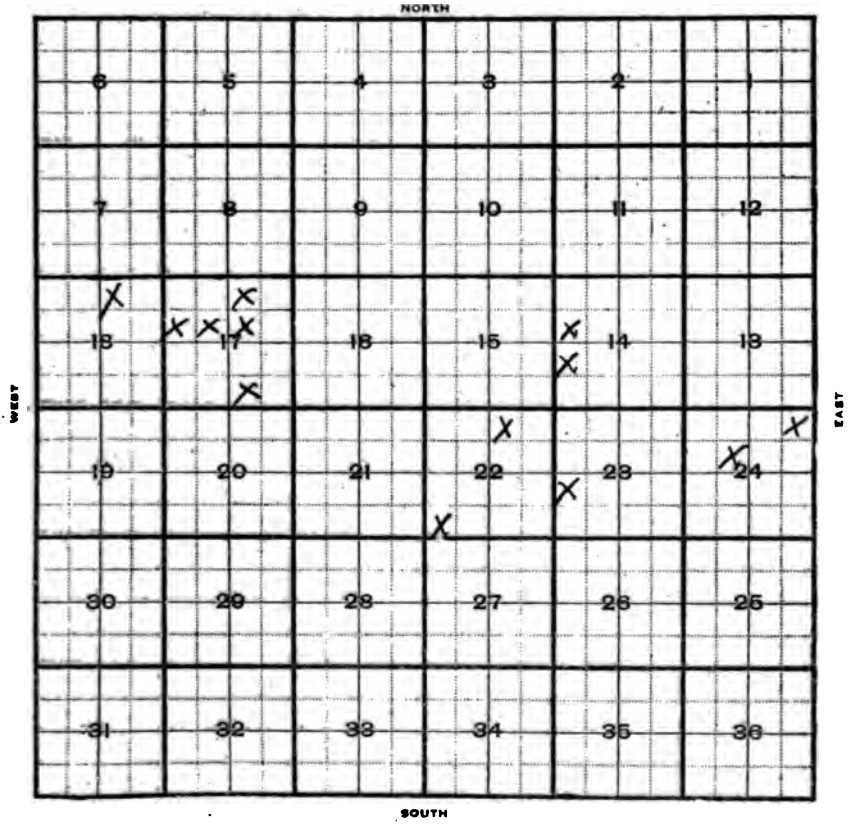
BURCH'S EXHIBIT NO. 17—Continued.

ALMOND A. WHITE—PLAT A. Township 145, range 37.



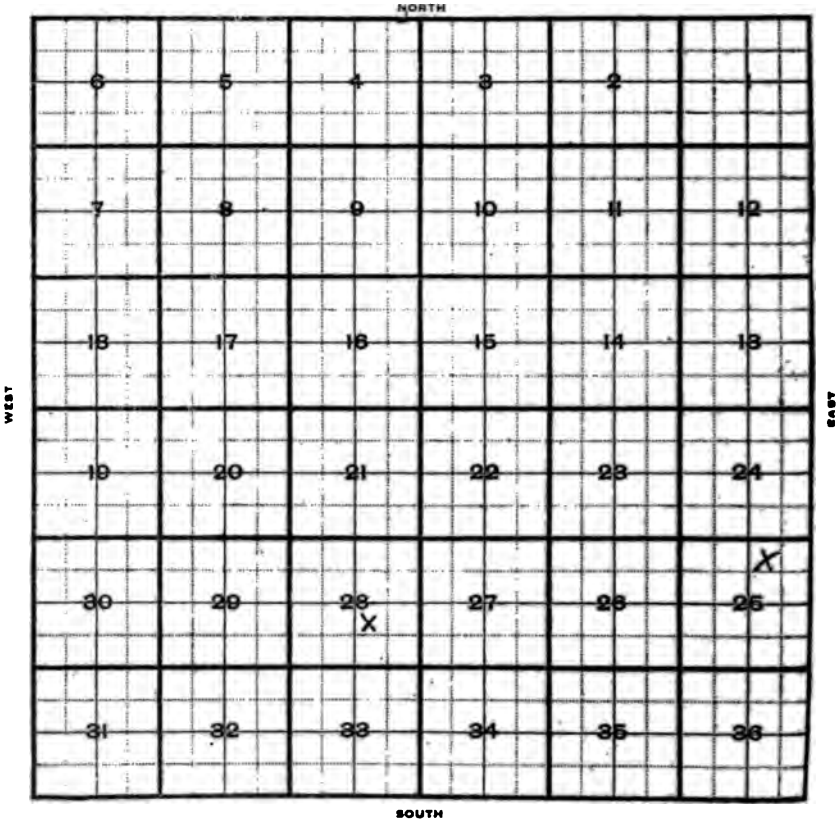
BURCH'S EXHIBIT NO. 17—Continued.

ALMOND A. WHITE—PLAT E. Township 145, range 37.



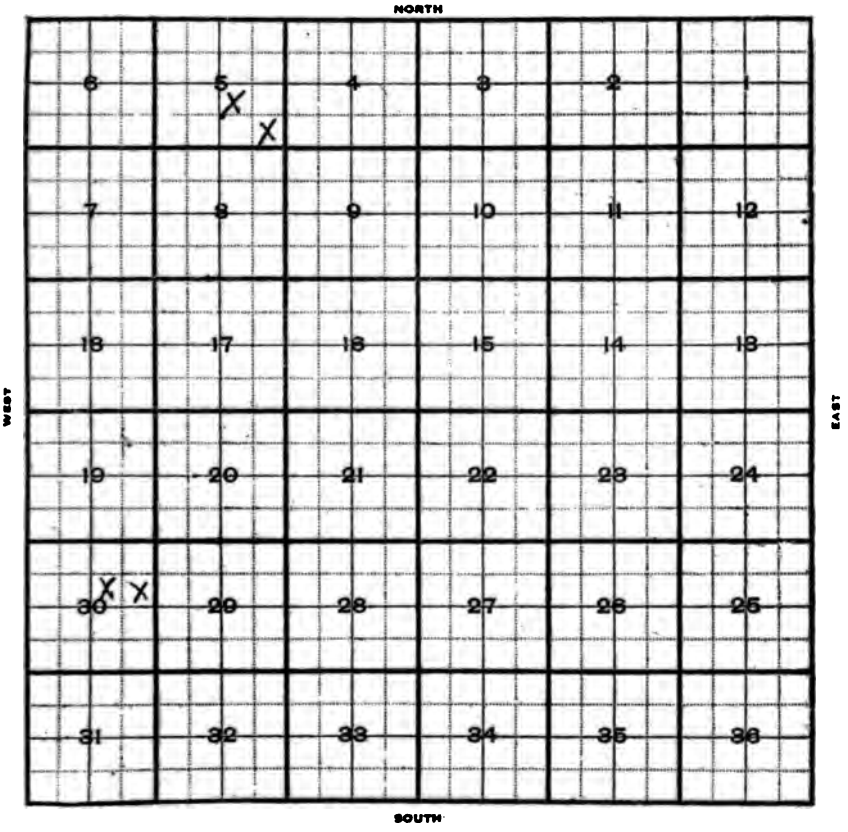
BURCH'S EXHIBIT NO. 17—Continued.

ALMOND A. WHITE—PLAT D. Township 145, range 37.



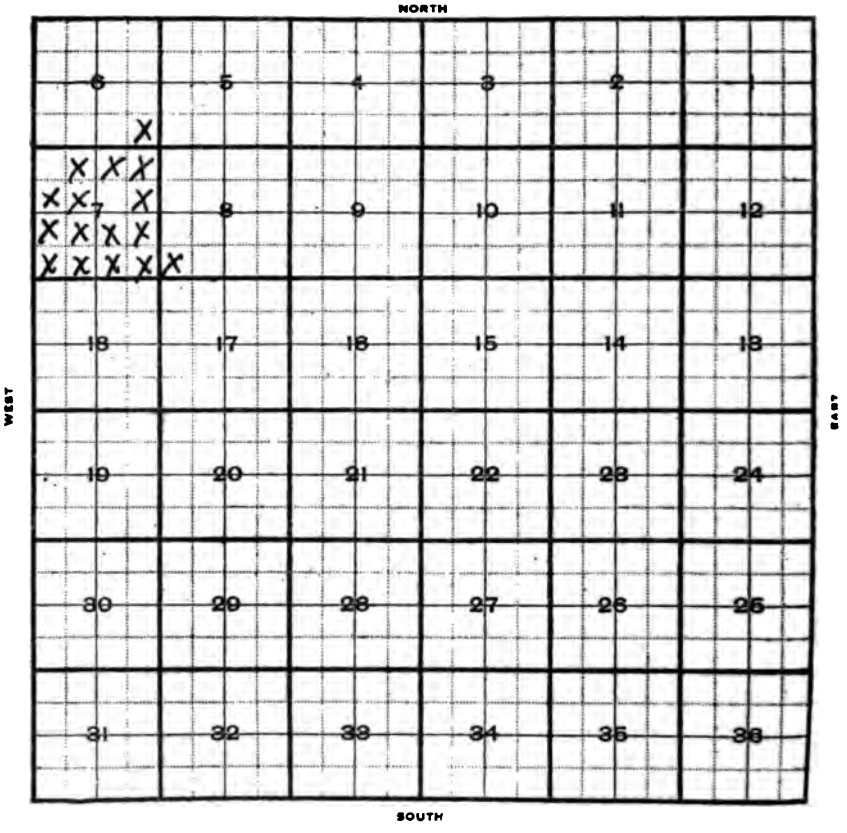
BURCH'S EXHIBIT NO. 17—Continued.

ALBERT T. HATCHER—PLAT A. Township 143, range 37.



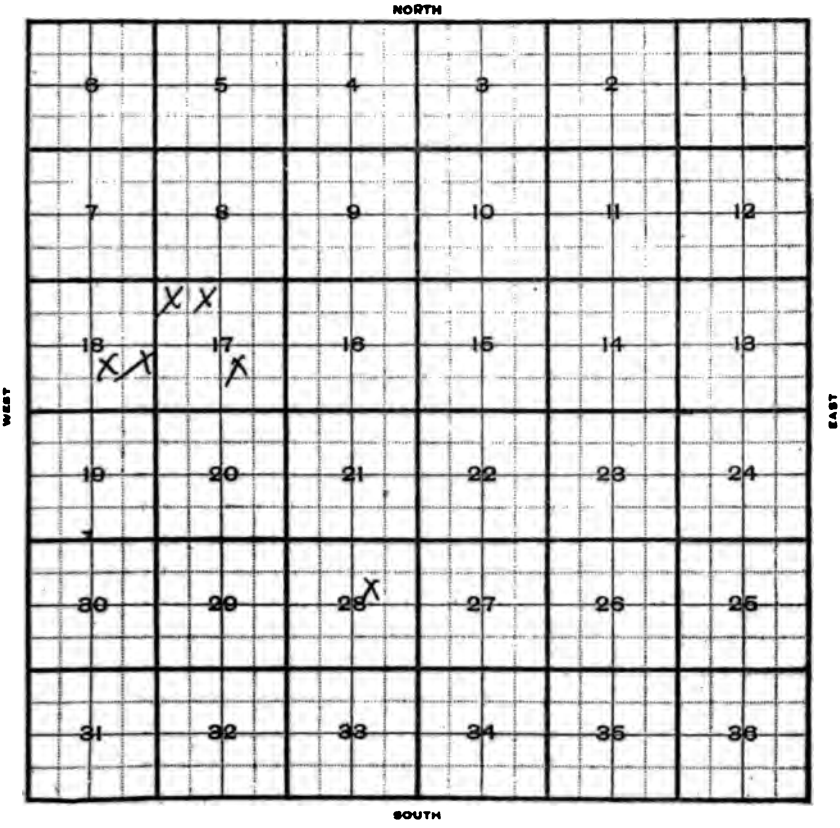
BURCH'S EXHIBIT NO. 17—Continued.

CARL HICKS—PLAT A. Township 145, range 37.



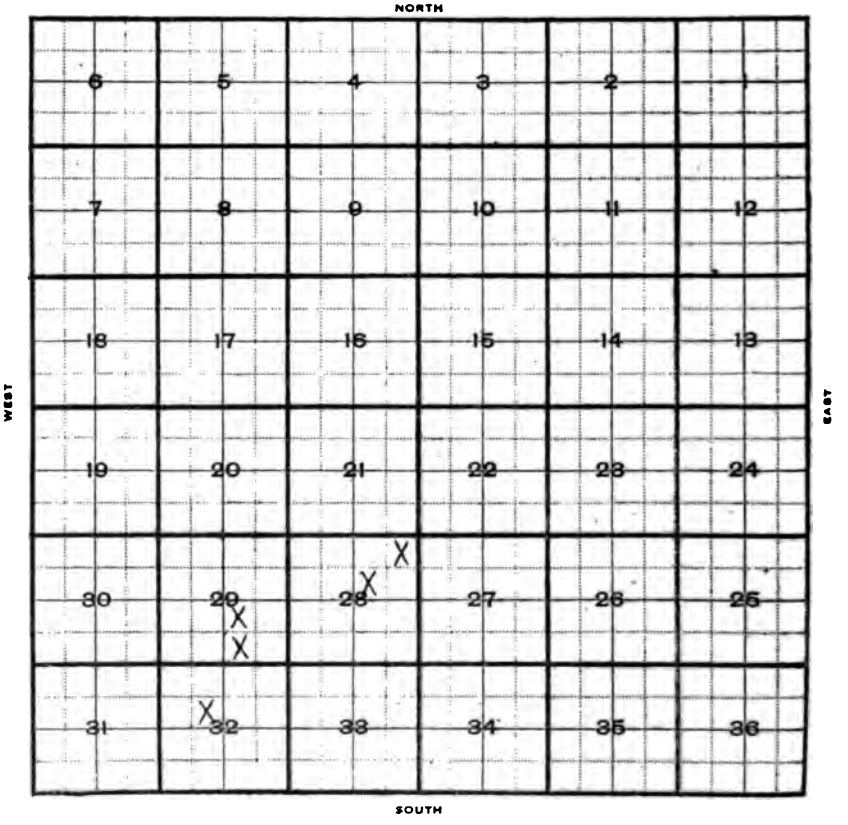
BURCH'S EXHIBIT NO. 17—Continued.

CARL HICKS—PLAT B. Township 145, range 37.



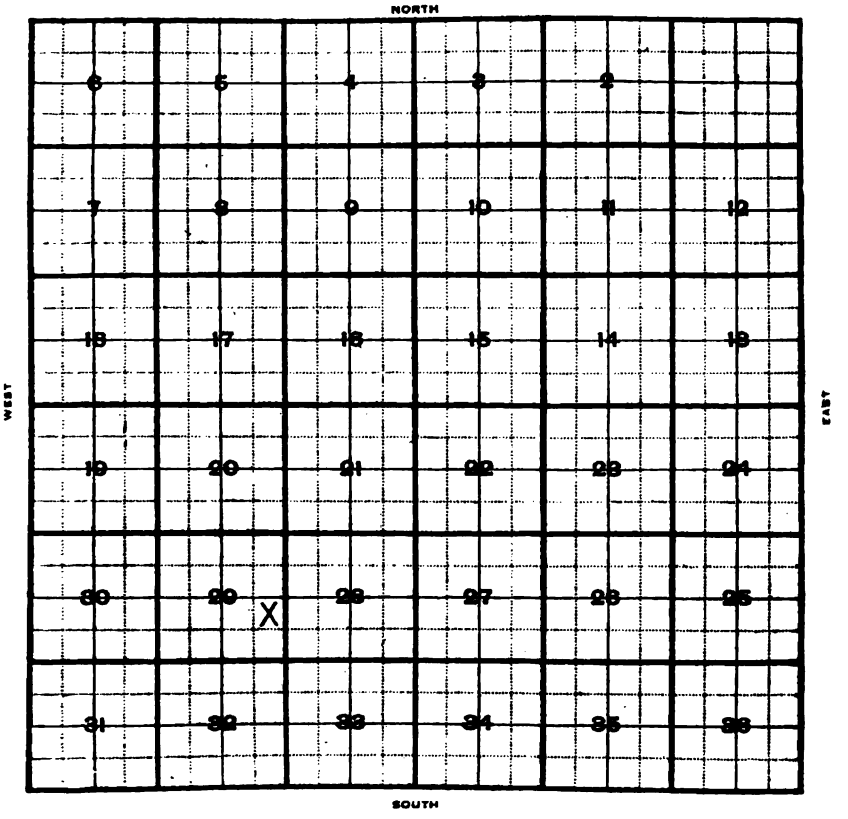
BURCH'S EXHIBIT NO. 17—Continued.

MARK H. WATERBURY—PLAT A. Township 144, range 37.



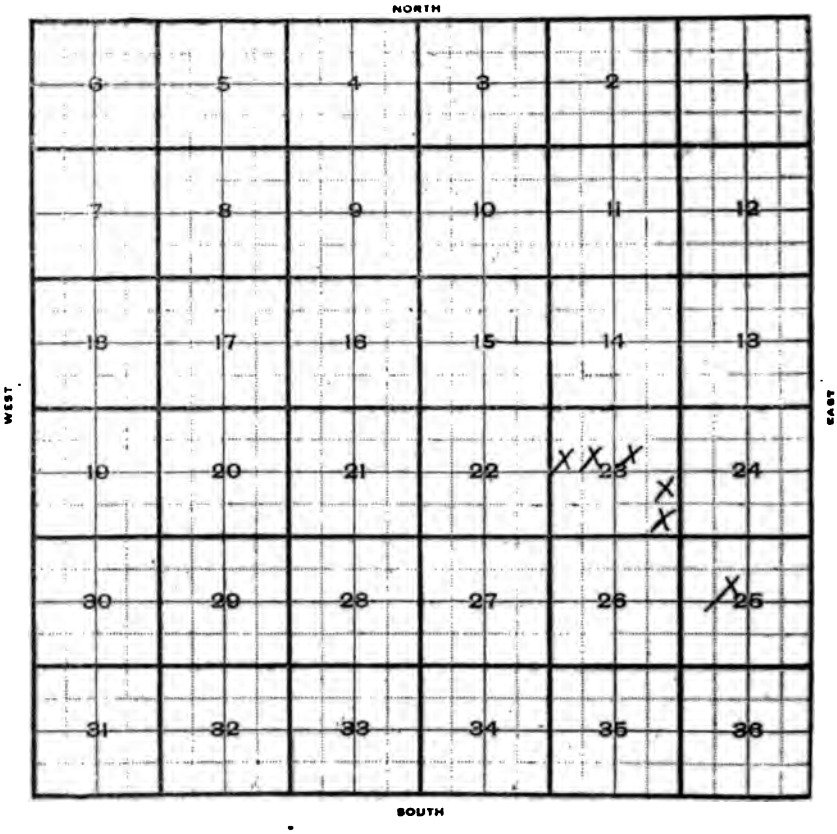
BURCH'S EXHIBIT NO. 17—Continued.

MARK H. WATERBURY—PLAT D. Township 146, range 37.



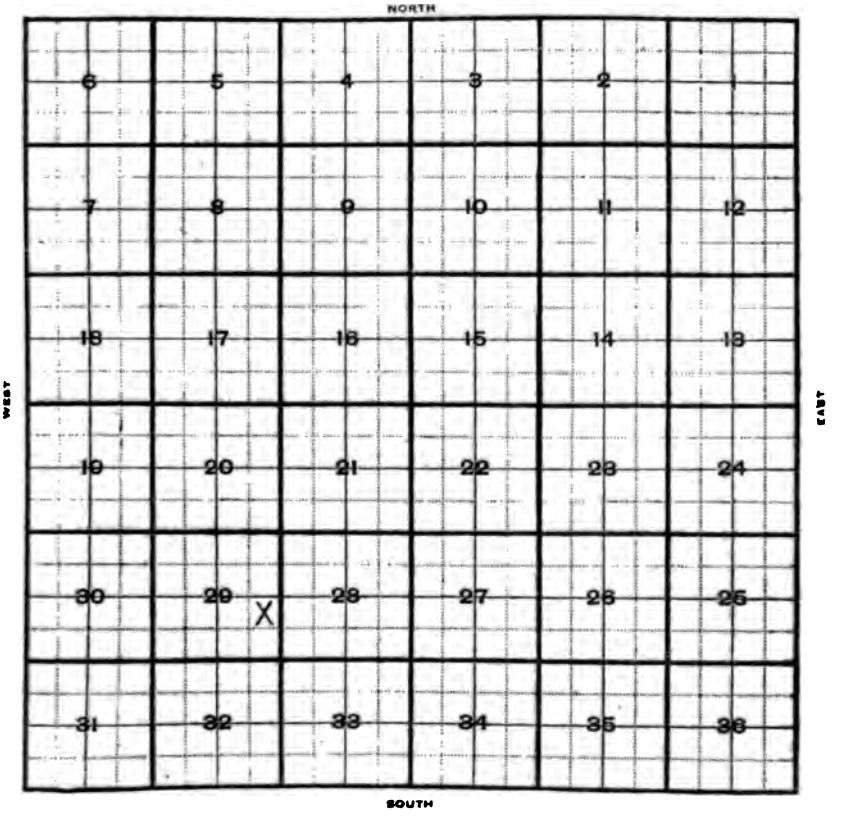
BURCH'S EXHIBIT NO. 17—Continued.

MARK H. WATERBURY—PLAT C. Township 144, range 37.



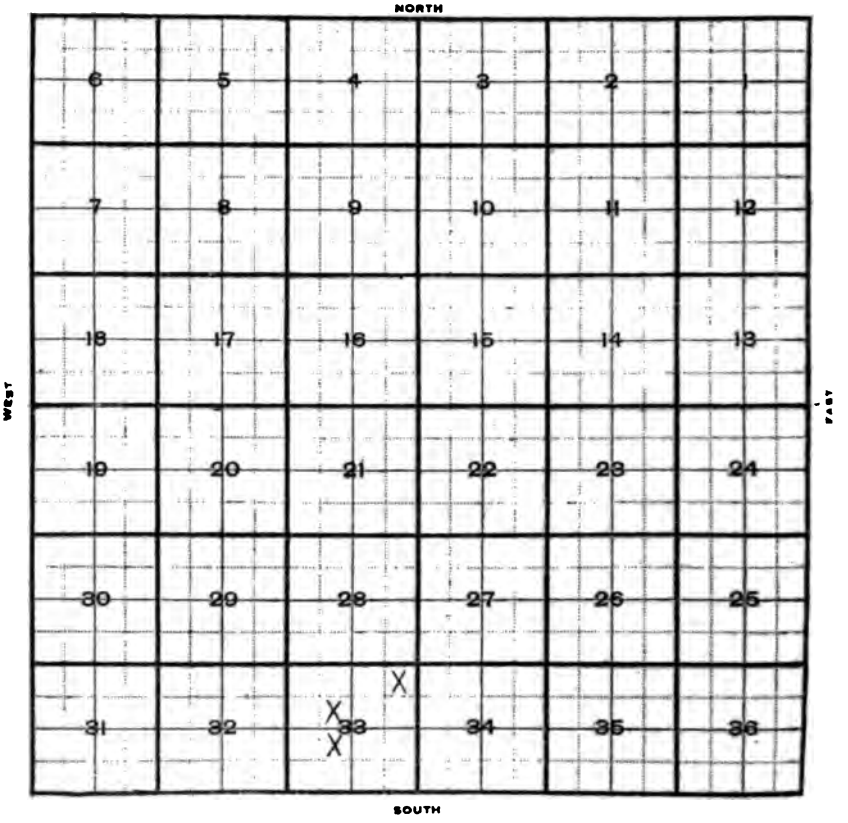
BURCH'S EXHIBIT NO. 17—Continued.

MARK H. WATERBURY—PLAT D. Township 146, range 37.



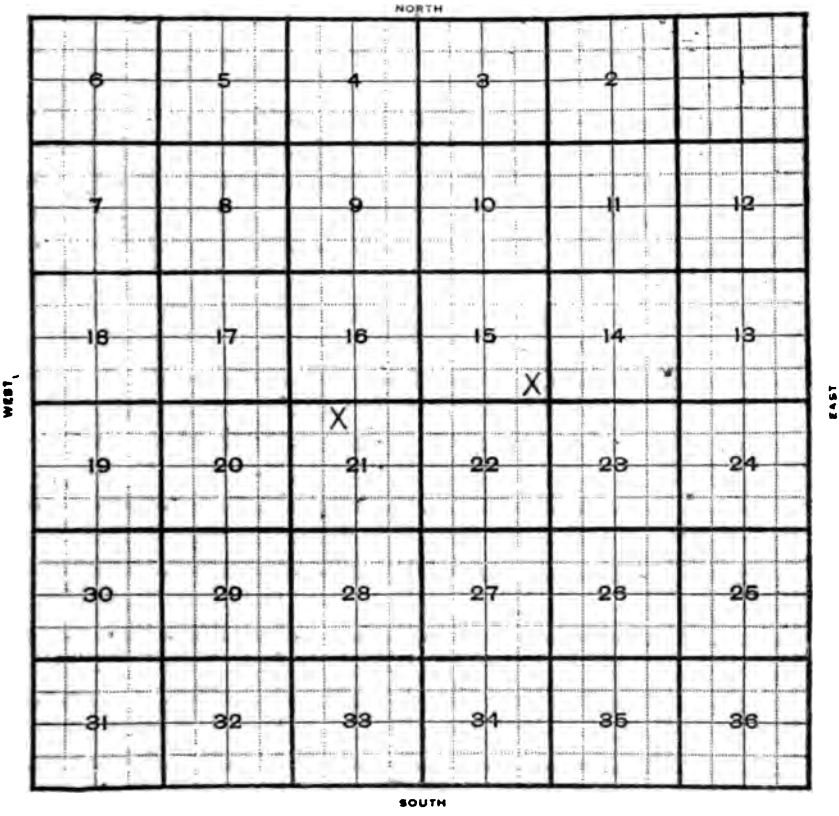
BURCH'S EXHIBIT NO. 17—Continued.

MARK H. WATERBURY—PLAT E. Township 144, range 37.



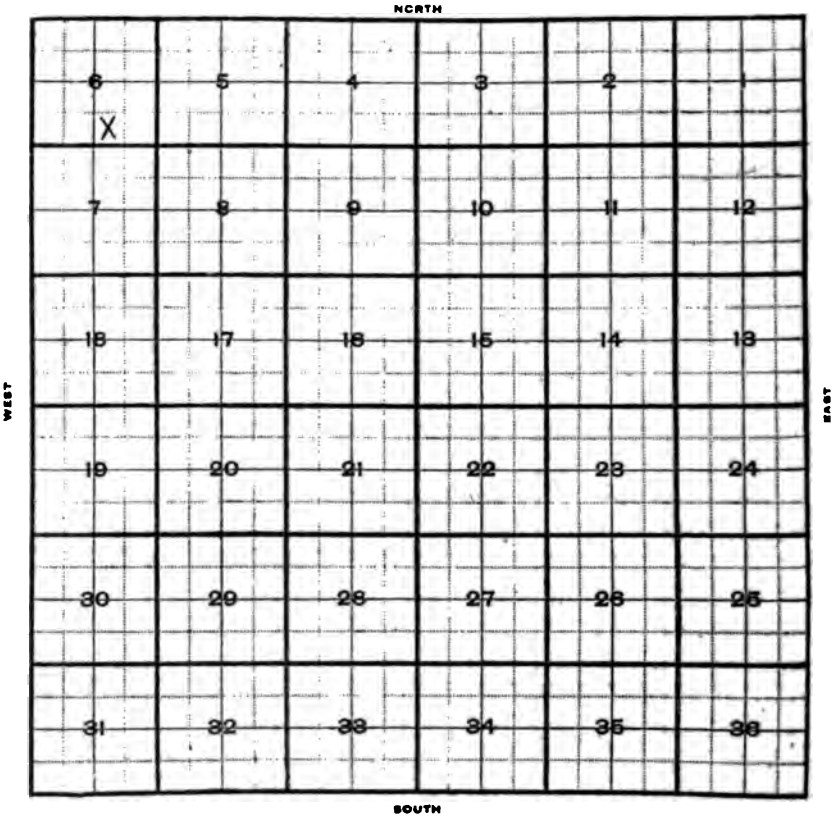
BURCH'S EXHIBIT NO. 17—Continued.

DAVID A. RAY—PLAT A. Township 144, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

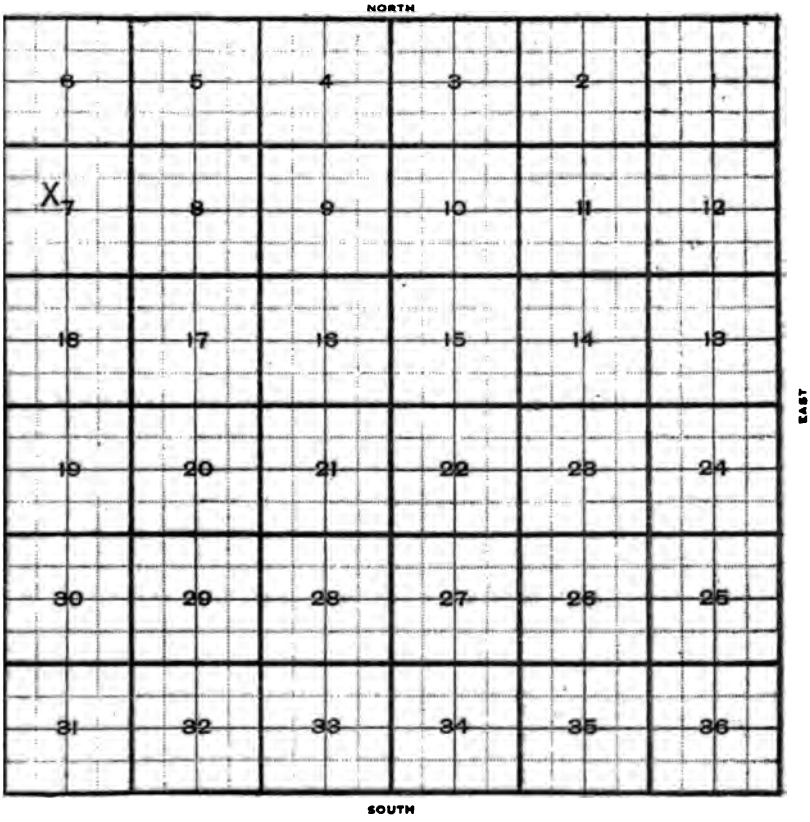
DAVID A. RAY PLAT B. Township 143, range 37.



Above land still vested in patentee, Nov. 3, 1911.

BURCH'S EXHIBIT NO. 17—Continued.

DAVID A. RAY—PLAT C. Township 143, range 37.

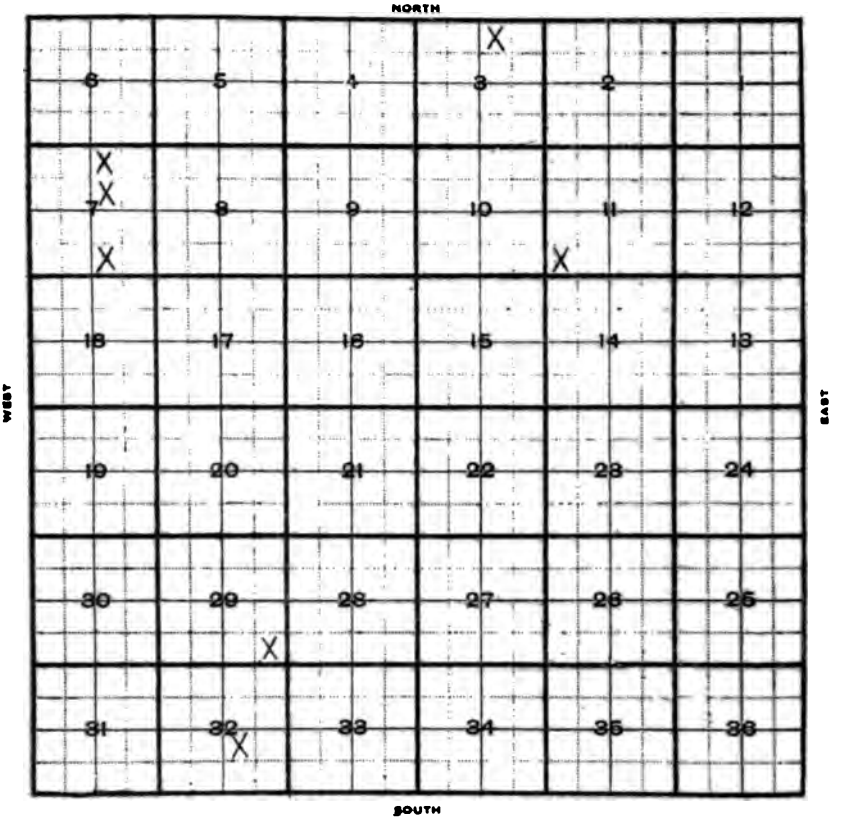


Above land still vested in patentee, Nov. 3, 1911.

23191—No. 8—12——6

BURCH'S EXHIBIT NO. 17—Continued.

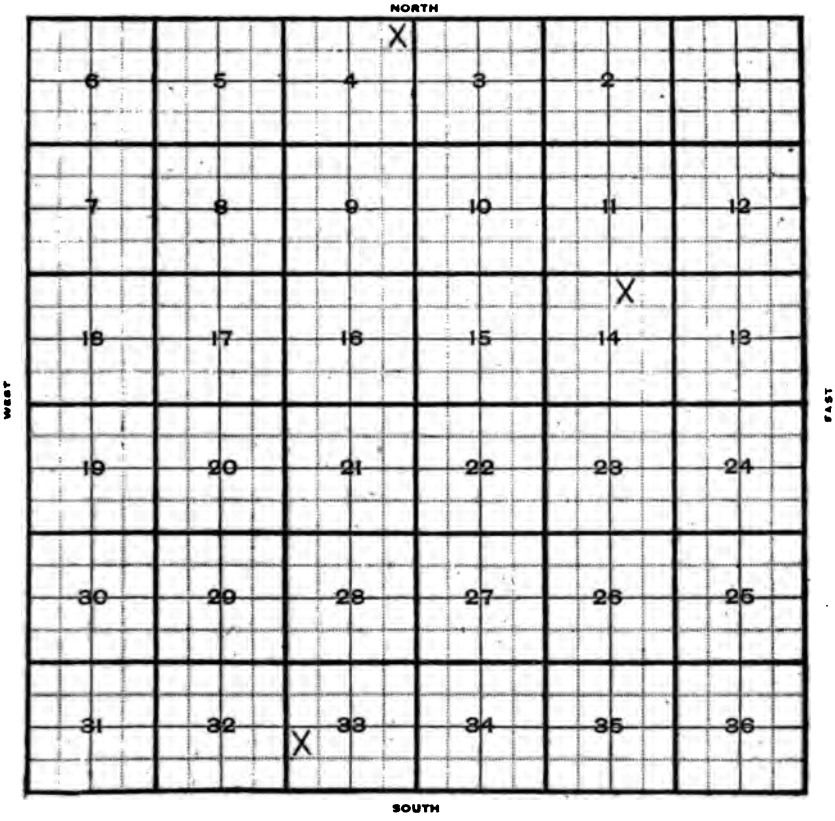
DAVID A. RAY—PLAT D. Township 143, range 37.



Lands marked on this plat still vested in patentee, Nov. 3, 1911.

BURCH'S EXHIBIT NO. 17—Continued.

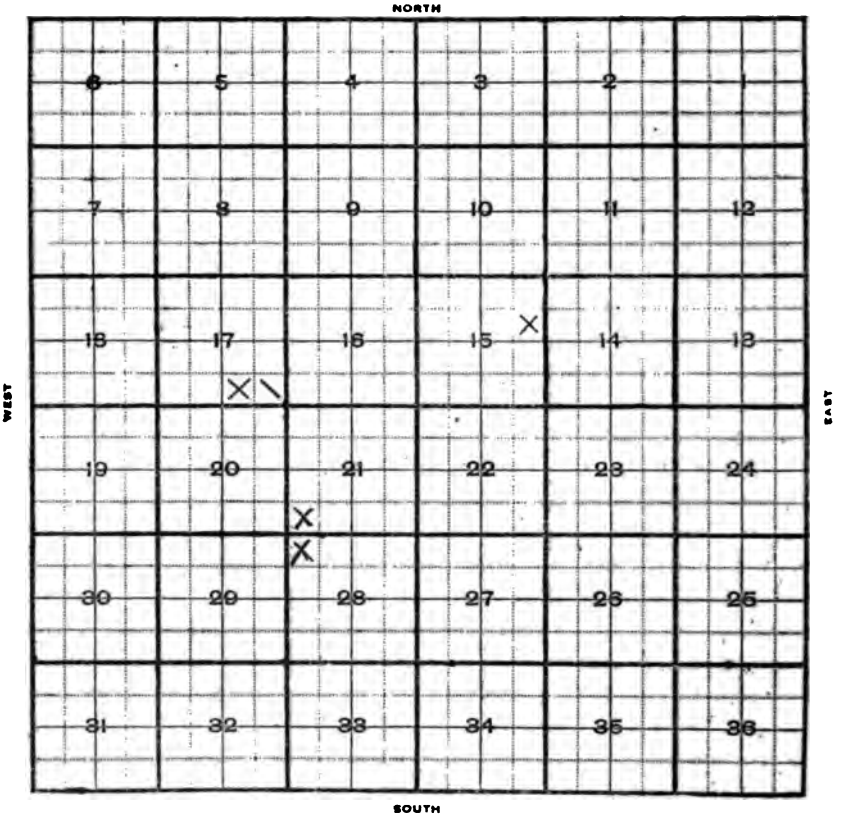
DAVID A. RAY—PLAT E. Township 143, range 37.



Lands marked on this plat still vested in patentee, Nov. 3, 1911.

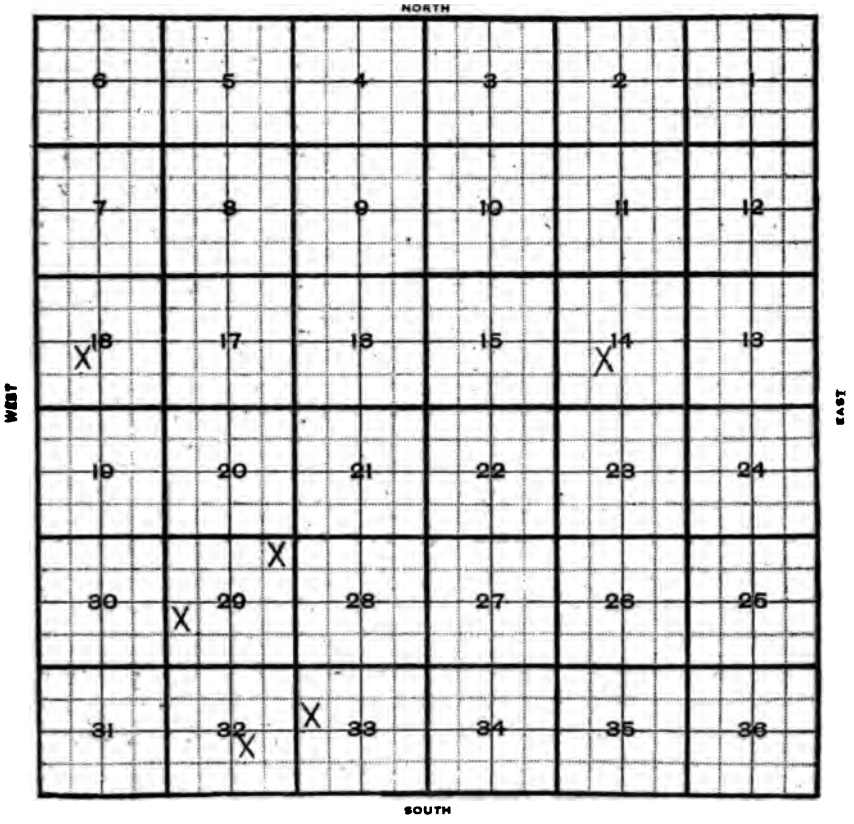
BURCH'S EXHIBIT NO. 17—Continued.

DAVID A. RAY—PLAT F. Township 144, range 37.



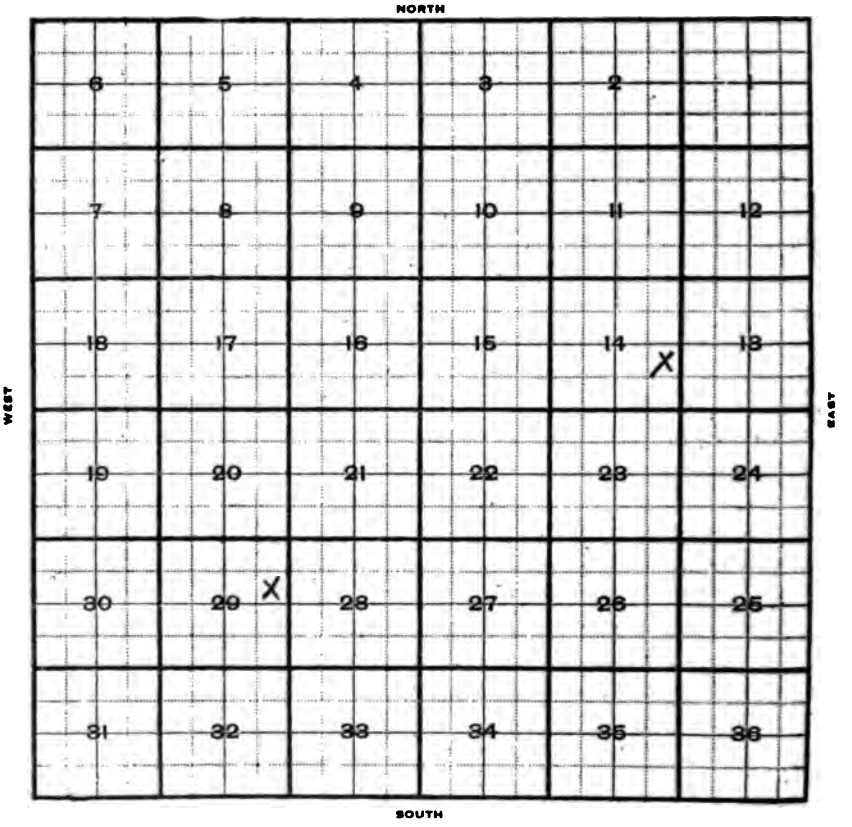
BURCH'S EXHIBIT NO. 17—Continued.

DAVID A. RAY—PLAT G. Township 144, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

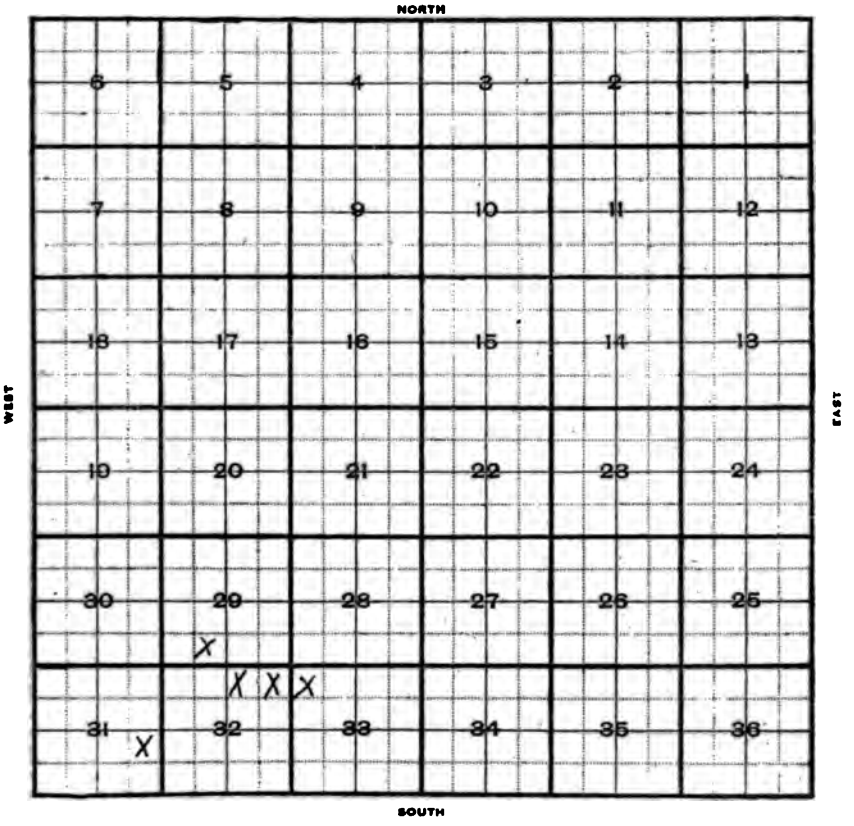
CARL HENDRICKSON—PLAT B. Township 146, range 37.



Above lands are still vested in patentee.

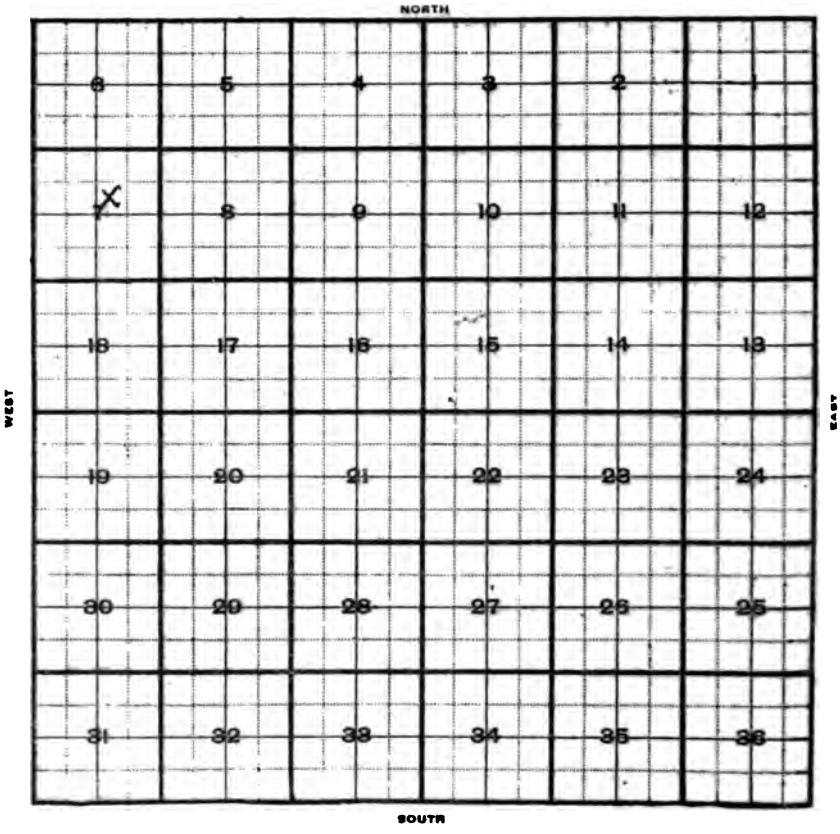
BURCH'S EXHIBIT NO. 17—Continued.

FRED L. HAMPSON—PLAT A. Township 146, range 37.



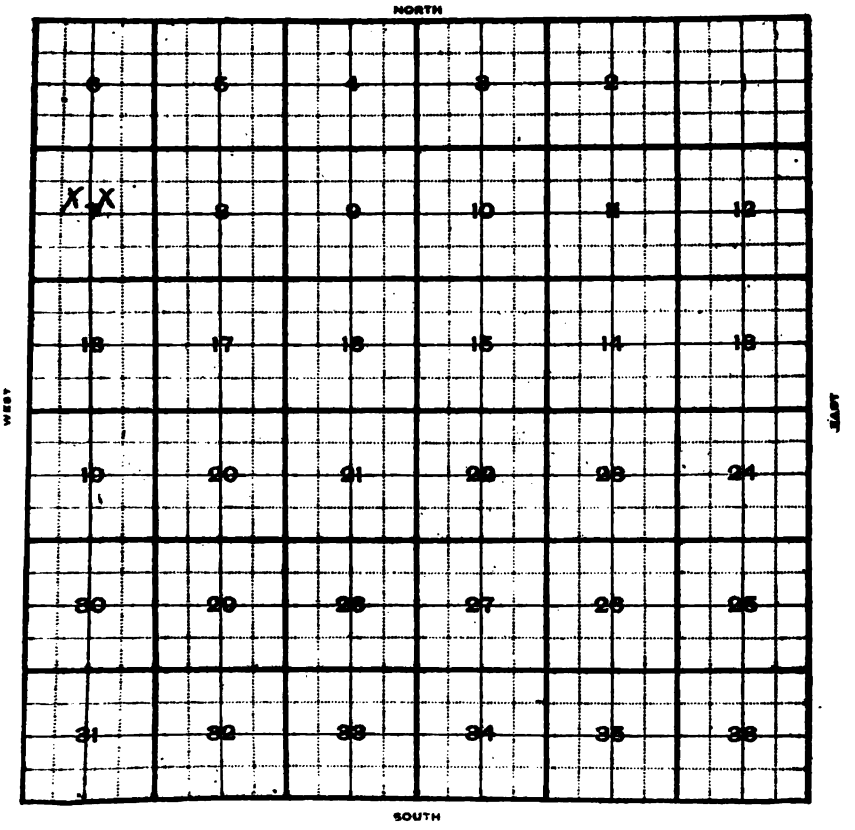
BURCH'S EXHIBIT NO. 17—Continued.

FRED L. HAMPSON—PLAT B. Township 145, range 37.



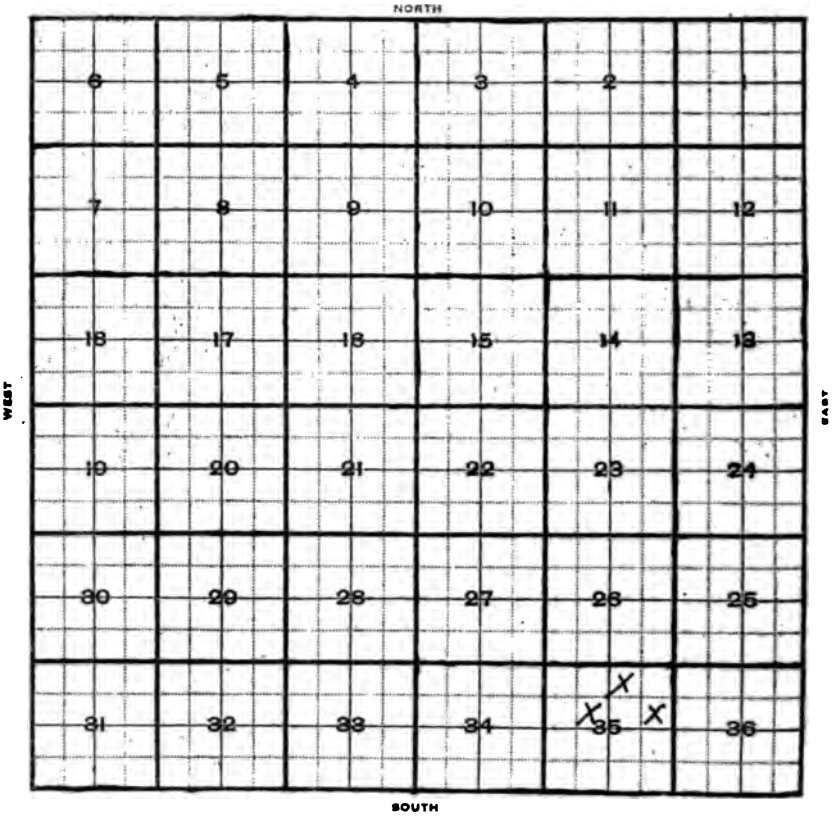
BURCH'S EXHIBIT NO. 17—Continued.

FRED L. HAMPSON—PLAT C. Township 144, range 37.



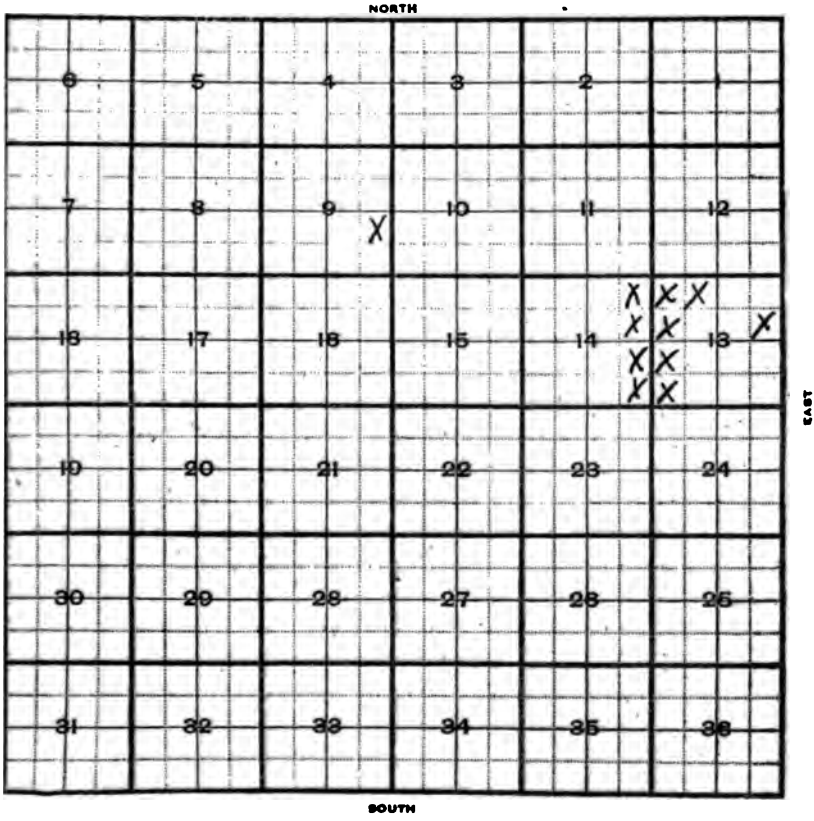
BURCH'S EXHIBIT NO. 17—Continued.

FRED L. HAMPSON—PLAT D. Township 145, range 37.



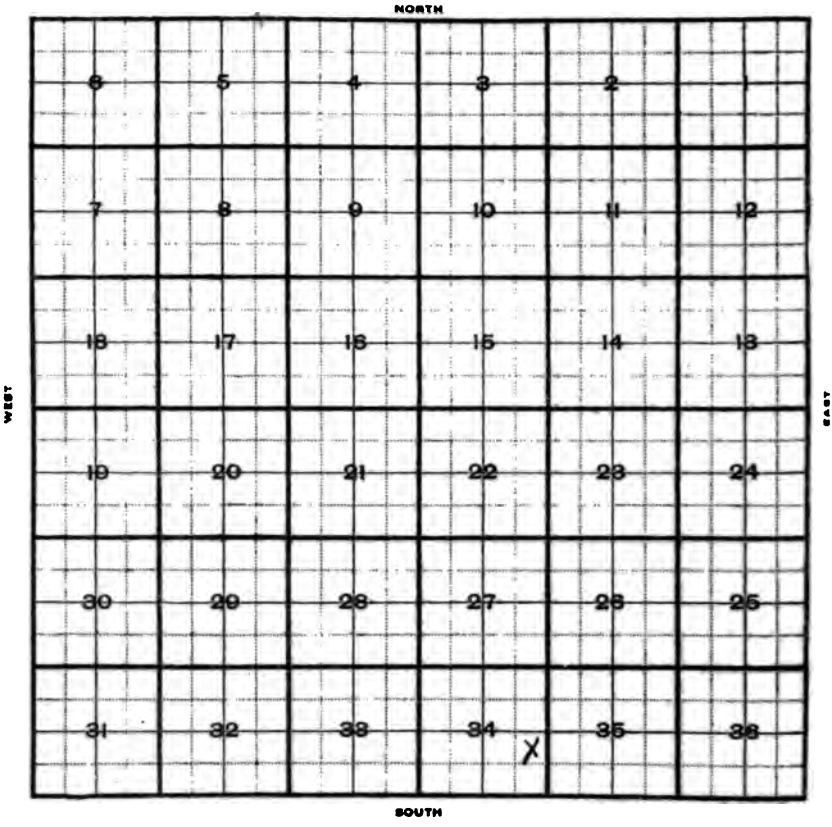
BURCH'S EXHIBIT NO. 17—Continued.

MARSHALL H. ALWORTH—PLAT A. Township 143, range 37.



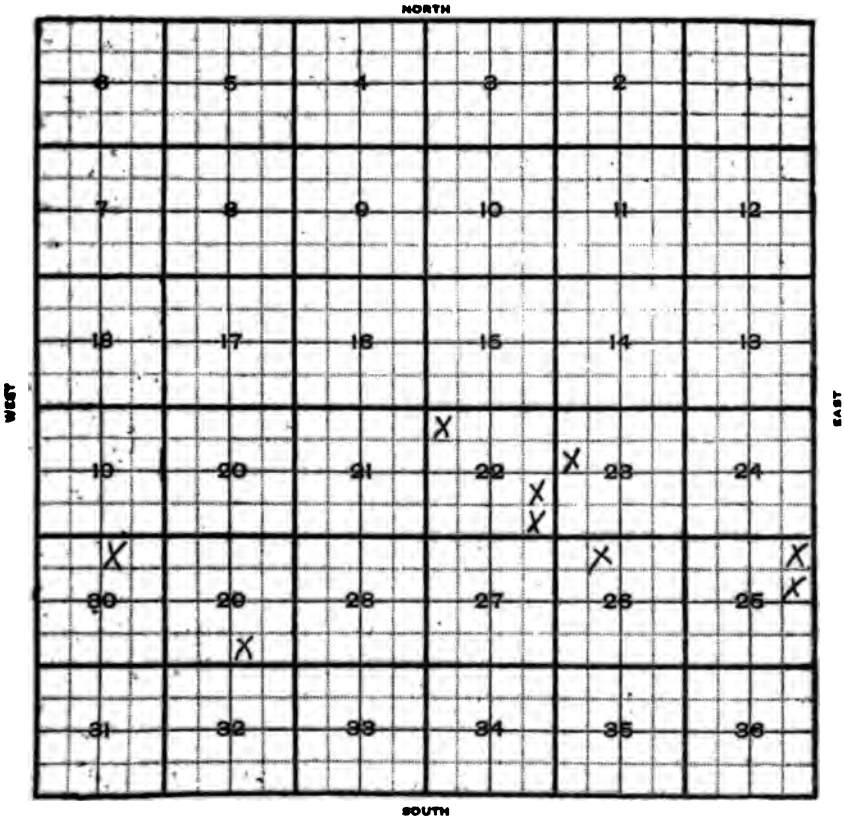
BURCH'S EXHIBIT NO. 17—Continued.

MARSHALL H. ALWORTH—PLAT D. Township 143, range 37.



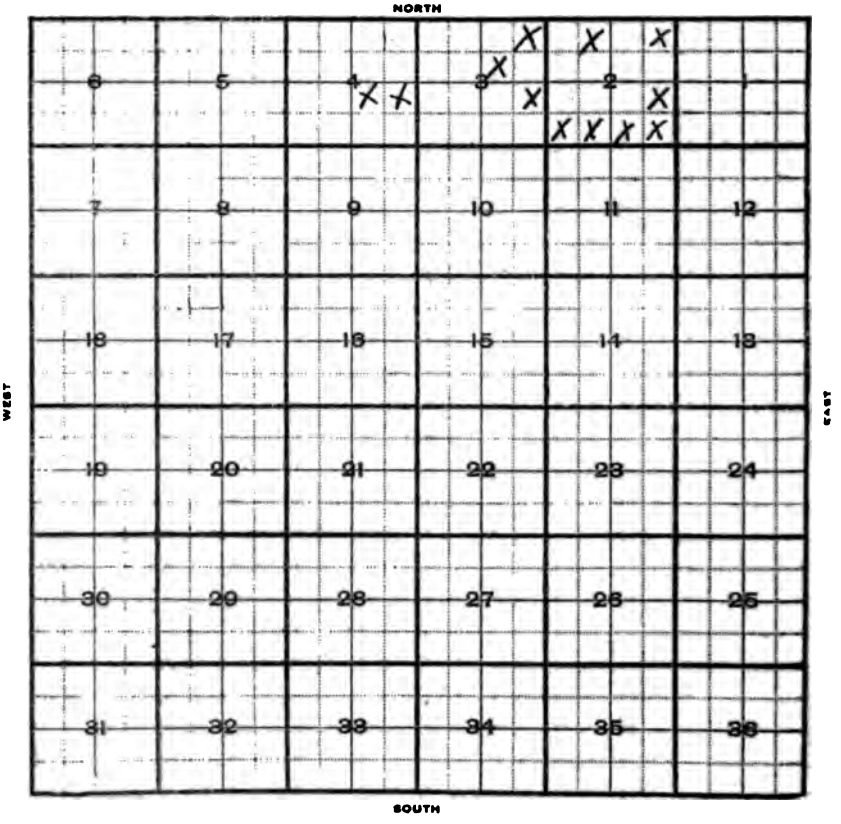
BURCH'S EXHIBIT NO. 17—Continued.

MARSHALL H. ALWORTH—PLAT E. Township 143, range 37.



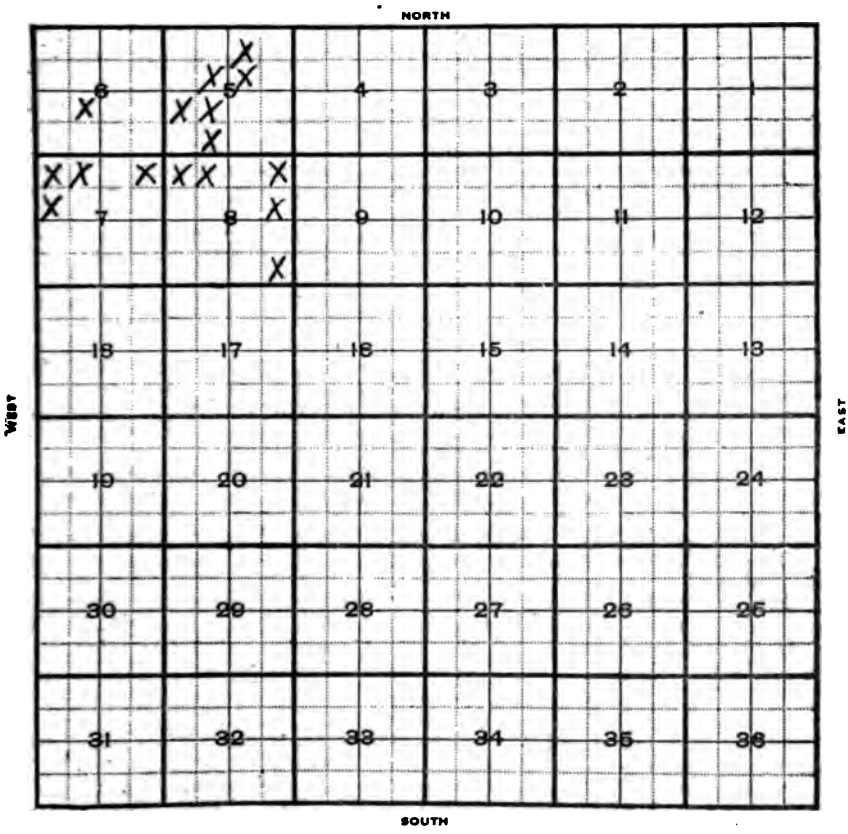
BURCH'S EXHIBIT NO. 17—Continued.

MARSHALL H. ALWORTH—PLAT F. Township 143, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

MARSHALL H. ALWORTH—PLAT G. Township 143, range 37.



23191—No. 8—12——7

1. *Patents.*—U. S. to Marshall H. Alworth. Dated May 2, 1903. See Plats A, D, E F, & G on back page.
2. *Quitclaim deed.*—Marshal H. Alworth & wife to M. J. Scanlon. Dated Aug. 27, 1903. Filed Aug. 5, 1904. Deeds bk. 1, page 580. Cons. $1.00 & other. Conveys lands marked on Plats A, D, E, F, & G, hereto attached.
3. *Quitclaim deed.*—M. J. Scanlon & wife to George S. Eddy. Dated June 20, 1903. Filed Aug. 5, 1904. Deeds bk. 1, page 583. Cons. $1.00 & other. Conveys same as Abs. 2 above.
4. *Quitclaim deed.*—George S. Eddy & wife to Hovey C. Clark. Dated Aug. 20, 1904. Filed June 19, 1909. Deeds bk. 18, page 170. Cons. $1.00 & other. Conveys same as Abs. 2 above.
5. *Mortgage.*—Nichols Chisolm Lumber Co., Hovey C. Clark & wife, Thomas H. Shevlin & wife to Minneapolis Trust Co. Dated July 10, 1909. Filed July 17, 1909. Mtg. bk. 18, page 259. Cons. $1,500,000. Conveys same as Abs. 2 above and other.
Nov. 2, 1911.

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1. *Patents.*—United States to Herbert P. Luce. Dated April 18, 1902. See back of plats A, B, C, D, E, F.
2. *Warranty deed.*—Herbert P. Luse to Albert Kaiser, cashier. Dated June 9, 1909. Filed June 17, 1909. Deeds bk. 15, p. 293. Cons. $1.00 & other. Conveys lands marked on A, B, C, and F, hereto attached.
3. *Quitclaim deed.*—Albert Kaiser and wife, cashier trustee to Herbert P. Luce. Dated May 8, 1911. Filed June 1, 1911. Deeds bk. 5, page 302. Cons. $1.00 & other. Conveys same as abs. No. 2 above.
4. *Warranty deed.*—Herbert P. Luce to Reuben Celius Thompson. Dated May 8, 1911. Filed June 1, 1911. Deeds bk. 21, p. 367. Cons. $1,800. Conveys same as abs. No. 2 above.
Nov. 2, 1911.

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1. *Patent.*—United States to Marshall H. Alworth. Dated May 2, 1903. Filed June 3, 1909. Deeds bk. 18, page 115. Conveys lands on plat H, hereto annexed.
2. *Quitclaim deed.*—Marshall H. Alworth and wife to M. J. Scanlon. Dated Aug. 27, 1903. Filed Aug. 5, 1904. Deeds bk. 1, page 580. Cons. $1.00 & other. Conveys lands marked on east half of plats H and C, hereto attached.
3. *Quitclaim deed.*—M. J. Scanlon and wife to George S. Eddy. Dated June 20, 1903. Filed Aug. 5, 1904. Deeds bk 1, page 583. Cons. $1.00 & other. Conveys same as abs. No. 2 & other.
4. *Quitclaim deed.*—George S. Eddy & wife to Hovey C. Clark. Dated Aug. 20, 1904. Filed June 19, 1909. Deeds bk. 18, page 170. Cons. $1.00 & other. Conveys same as 3 above.
5. *Mortgage.*—Nichols Chisolm Lumber Co., Hovey C. Clark & wife, Thomas H. Shevelin & wife, to Minneapolis Trust Co. Dated July 10, 1909. Filed July 17, 1909. Mtg. bk. 18, page 259. Cons. $1,500,000. Conveys same as 3 above and other.
Nov. 2, 1911.

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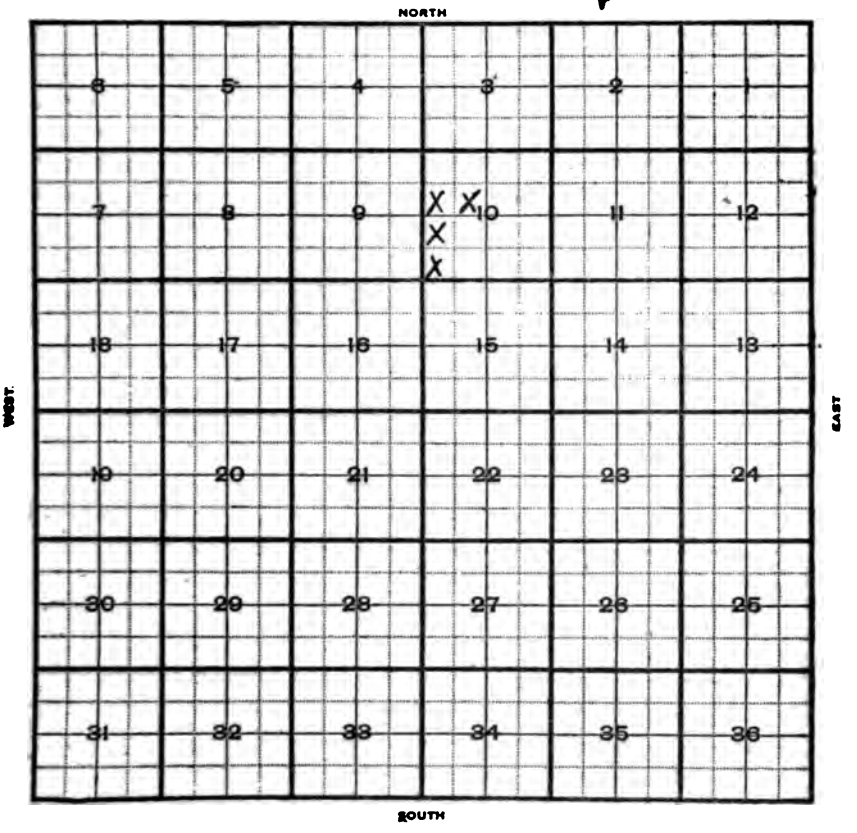
1. *Patent.*—U. S. to Marshall H. Alworth. Dated May 2, 1903. Filed June 3, 1909. Deeds bk. 18, page 115. Conveys plat H, hereto annexed.
2. *Quitclaim deed.*—Marshall H. Alworth & wife to M. J. Scanlon. Dated Aug. 27, 1903. Filed Aug. 5, 1904. Deeds bk. 1, page 580. Cons. $1.00 & other. Conveys lands marked on plats B, C, & H, hereto attached.
3. *Quitclaim deed.*—M. J. Scanlon & wife to George S. Eddy. Dated June 20, 1903. Filed Aug. 5, 1904. Deeds bk. 1, page 583. Cons. $1.00 & other, Conveys same as abs. No. 2 above.
4. *Quitclaim deed.*—George S. Eddy & wife to Hovey C. Clark. Dated Aug. 20, 1904. Filed June 19, 1909. Deeds bk. 18, page 170. Cons. $1.00 & other. Conveys same as abs. No. 2 above.
5. *Quitclaim deed.*—Hovey C. Clark & wife to Nichols Chisolm Lumber Co. Dated Sept. 25, 1906. Filed Nov. 8, 1909. Deeds bk. 18, page 391. Cons. $1.00 & other. Conveys lands marked on west side of plats C & H, hereto annexed.
6. *Warranty deed.*—Nichols Chisolm Lumber Co. to Wild Rice Lumber Co. Dated Sept. 25, 1906. Filed Oct. 26, 1909. Deeds bk. 18, p. 368. Cons. $1.00 & other. Conveys same as abstract No. 5 above and other.

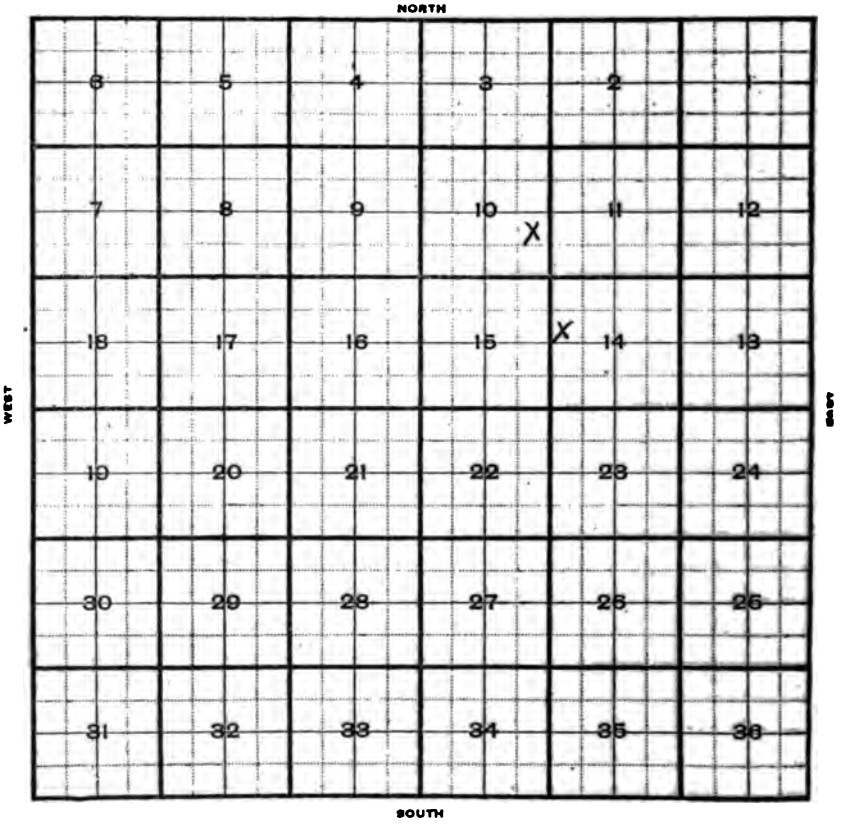
BURCH'S EXHIBIT NO. 17—Continued.

HERBERT P. LUCE—PLAT A. Township 143, range 37.



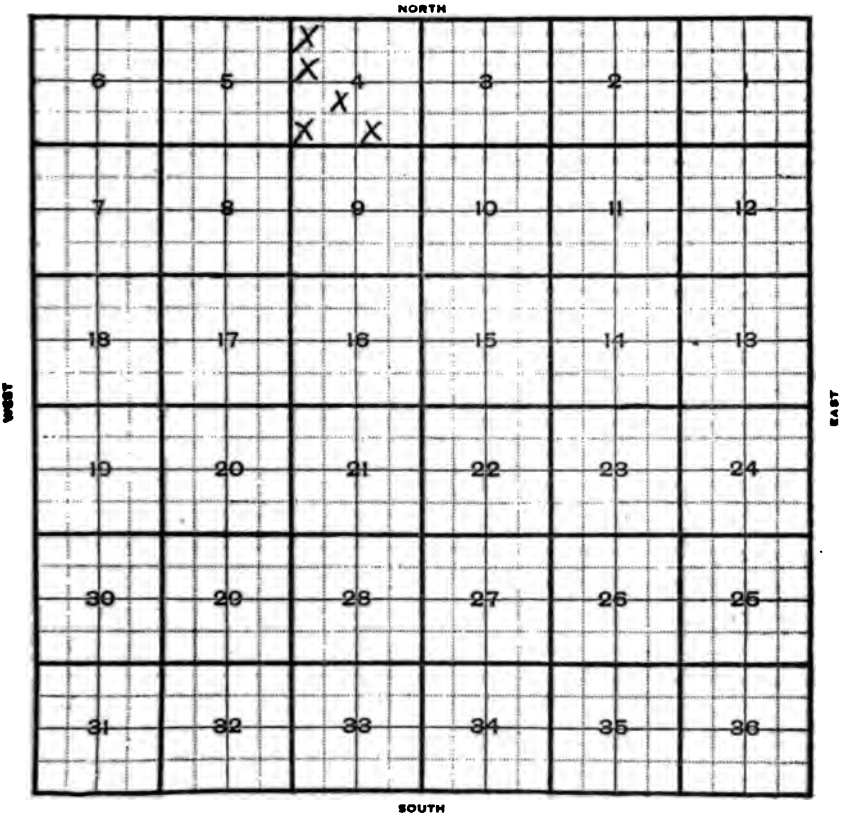
BURCH'S EXHIBIT NO. 17—Continued.

HERBERT P. LUCE—PLAT B. Township 143, range 37.



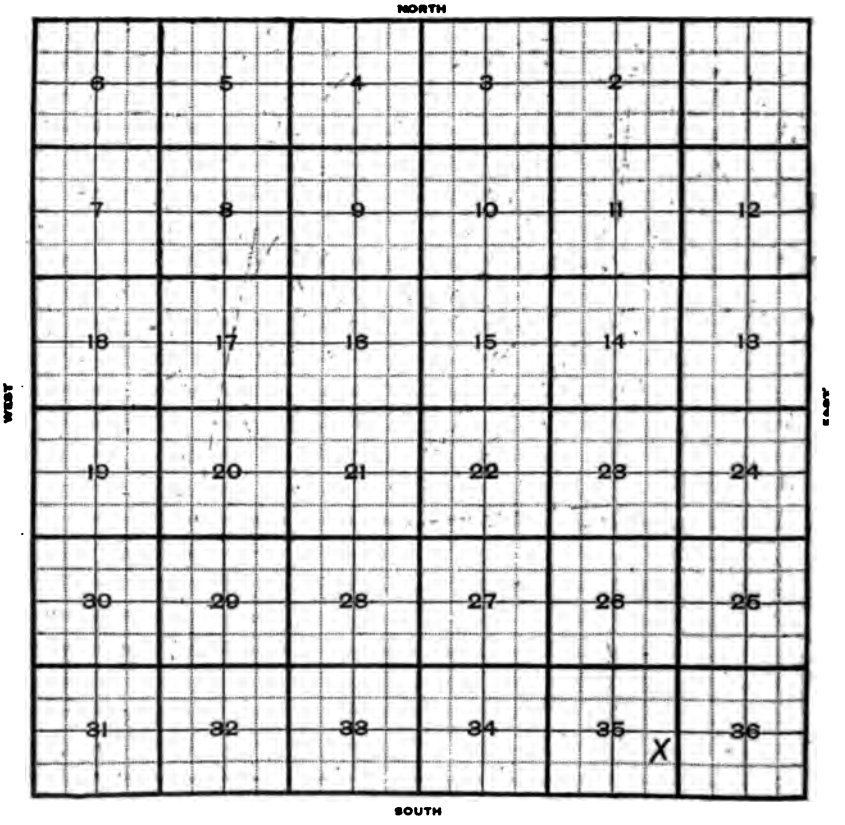
BURCH'S EXHIBIT NO. 17—Continued.

HERBERT P. LUCE—PLAT C. Township 143, range 37.



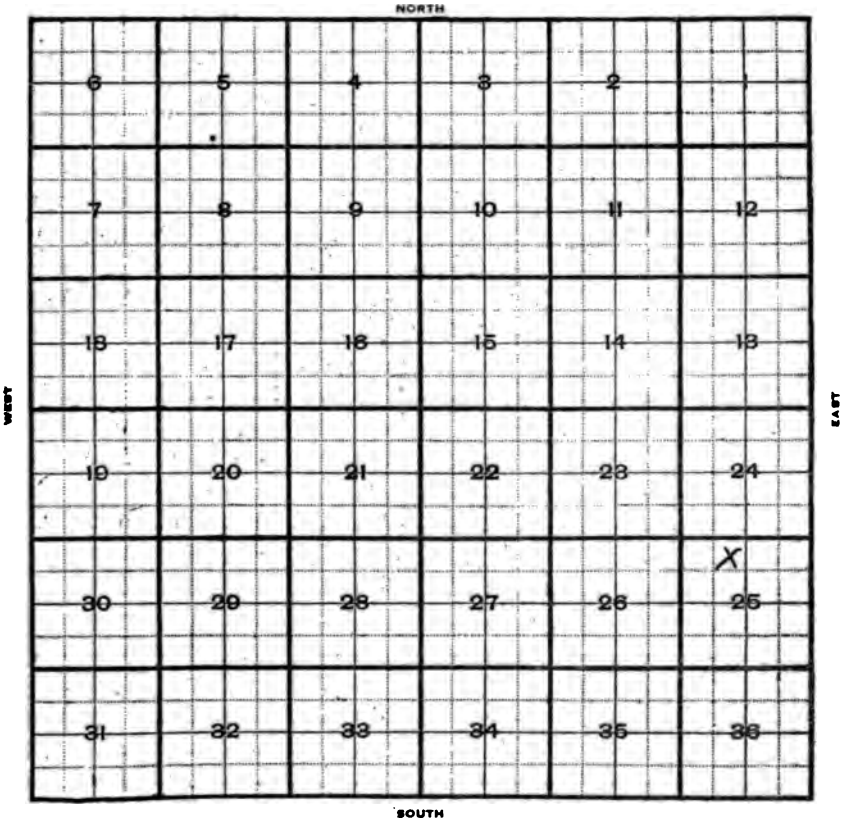
BURCH'S EXHIBIT NO. 17—Continued.

HERBERT P. LUCE—PLAT D. Township 145, range 37.



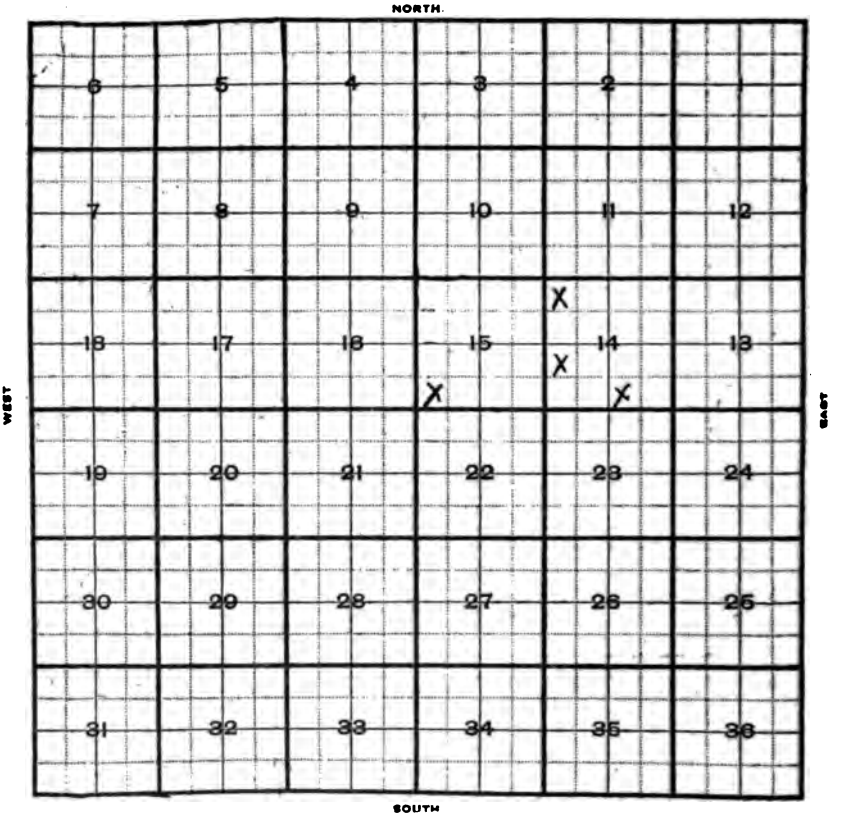
BURCH'S EXHIBIT NO. 17—Continued.

HERBERT P. LUCE—PLAT E. Township 144, range 37.



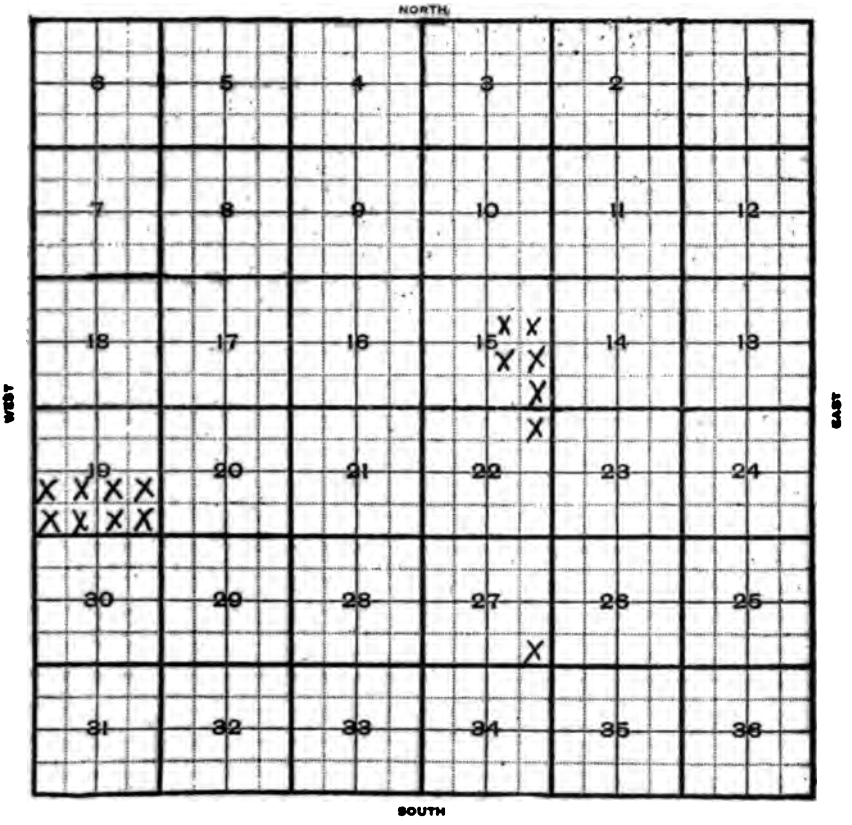
BURCH'S EXHIBIT NO. 17—Continued.

HERBERT P. LUCE—PLAT F. Township 143, range 37.



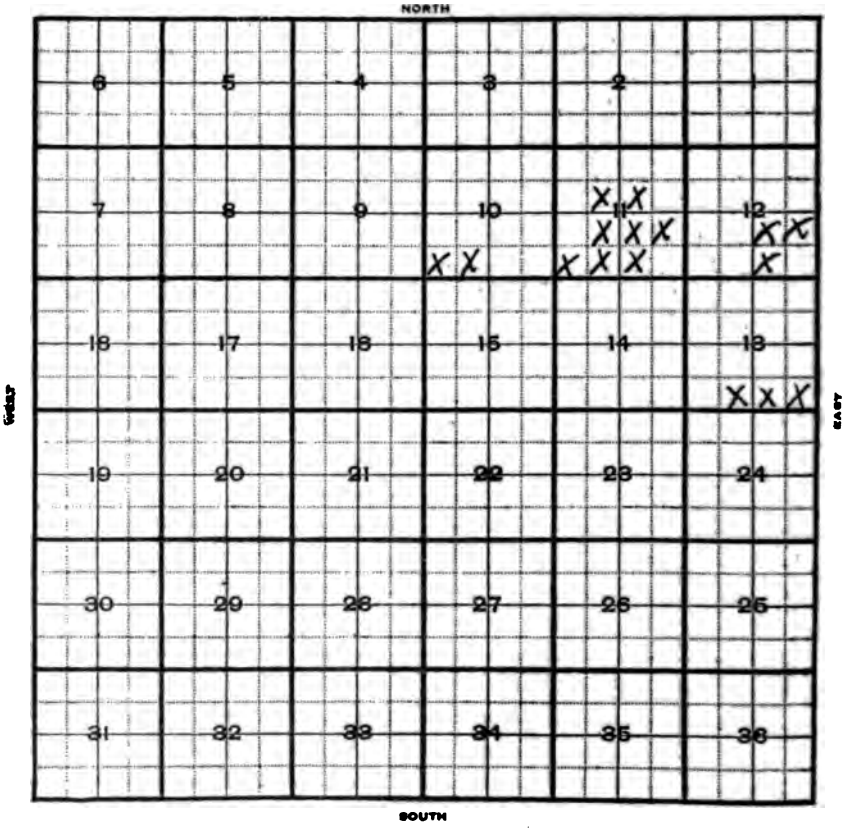
BURCH'S EXHIBIT NO. 17—Continued.

MARSHALL H. ALWORTH—PLAT B. Township 145, range 37.



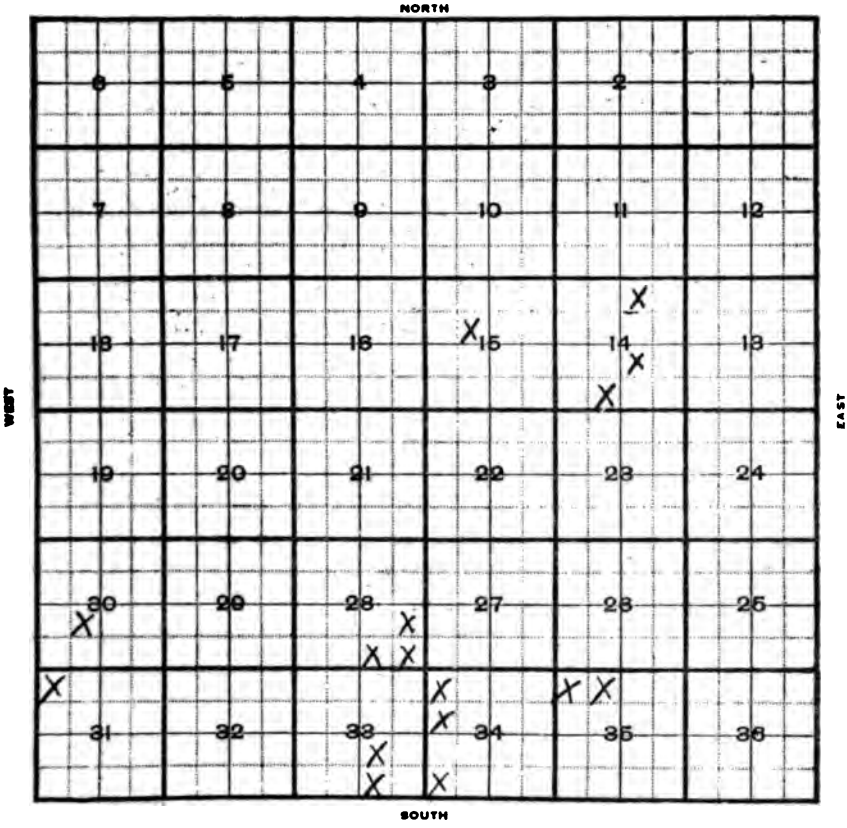
BURCH'S EXHIBIT NO. 17—Continued.

MARSHALL H. ALWORTH—PLAT C. Township 144, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

MARSHALL H. ALWORTH—PLAT H. Township 144, range 37.



7. *Warranty deed.*—Wild Rice Lumber Co. to Charles A. Lammers. Dated Dec. 18, 1909. Filed Jan. 28, 1910. Deeds bk. 18, p. 499. Cons. $45,560.85. Conveys same as abs. 5 above and other, reserving timber & minerals.

8. *Mortgage.*—Charles A. Lammers & wife to Farmers & Merchants State Bank of Stillwater, Minn. Dated Jan. 8, 1910. Filed Feb. 5, 1910. Mtg. bk. 18, p. 580. Cons. $25,000. Conveys same as abs. 5 above and other & same reservations as in abs. 7 above.

9. *Warranty deed.*—Charles A. Lammers & wife to Solway Land Co. Dated Jan. 11, 1910. Filed Jan. 28, 1910. Deeds bk. 18, p. 504. Cons. $45,935.10. Conveys same as abs. No. 5 above and other; same reservations as abs. 7 above.

Nov. 2, 1911.

---

1. *Patents.*—United States to Albert Kaiser. Dated April 18, 1902. See Plats A B C D E F & G, hereto attached.

2. *Warranty timber deed.*—Albert Kaiser & wife to Nichols Chisolms Lumber Co. Date Oct. 27, 1906. Filed Nov. 6, 1906. Deeds bk. 10, p. 548. Cons. $325. Conveys timber on lot 4, 30, 143, 37.

3. *Mortgage.*—Nichols Chisolms Lumber Co., Hovey C. Clark & wife, Thos. H. Shevlin & wife, to Minneapolis Trust Co. Date July 10, 1909. Filed July 17, 1909. Mtg. bk. 18, p. 259. Cons. $1500000. Conveys timber on land in Abs. No. 2 above and other.

4. *Warranty deed.*—Albert Kaiser & wife to Laurence J. Heman. Date Aug. 5, 1911. Filed Aug. 17, 1911. Deeds bk. 21, p. 419. Cons. $3000. Conveys lands in Plats A B D E F & G, hereto attached.

5. *Mortgage.*—Laurence J. Heman & wife to Albert Kaiser. Dated Aug. 10, 1911. Filed Aug. 17, 1911. Mtg. bk. 19, p. 162. Cons. $1400. Conveys lands in Abst. 4 above.

Nov. 2, 1911.

---

1. *Patents.*—United States to Albert Kaiser. Dated April 18, 1902. See Plats A, B, C, D, E, F, G, hereto attached.

2. *Warranty timber deed.*—Albert Kaiser & wife to Nichols Chisolms Lumber Co. Dated Oct. 19, 1907. Filed Nov. 6, 1907. Deeds bk. 12, p. 424. Cons. $2,750. Conveys timber on lands marked in sections on Plats A, B, C, D, E, F, & G. Excepting sect. 1, 143, 37; sec. 30, 143, 37; sec. 34, 144, 37.

3. *Mortgage.*—Nichols Chisolms Lumber Co., Hovey C. Clark & wife, Thos. H. Shevlin & wife, to Minneapolis Trust Co. Dated July 10, 1909. Filed July 17, 1909. Mtg. bk. 18, p. 259. Cons. $1500000. Conveys timber on lands as in abs. No. 2 above.

NOTE.—SE. of SW. 22, 143, 37 not in mortgage.

4. *Warranty deed.*—Albert Kaiser & wife to Laurence J. Hemen. Date Aug. 5, 1911. Filed Aug. 17, 1911. Deeds bk. 21, p. 419. Cons. $3000. Conveys lands on Plats A, B, D, E, F, & G, hereto attached.

4. *Mortgage.*—Laurence J. Hemen & wife to Albert Kaiser. Date Aug. 10, 1911. Filed Aug. 17, 1911. Mtg. bk. 19, p. 162. Cons. $1400. Conveys lands as in abs. No. 3 above.

Nov. 2, 1911.

---

1. *Patents.*—United States to Albert Kaiser. Dated April 18, 1902. See plats A, B, C, D, E, F, and G, hereto.

2. *Warranty timber deed.*—Albert Kaiser and wife to Grand Forks Lumber Co. Dated May 23, 1906. Filed June 1, 1906. Deeds bk. 10 p. 440. Cons., $1,100. Conveys timber on plats E and F, hereto attached.

3. *Warranty timber deed.*—Grand Forks Lumber Co. to Bemidji Lumber Co. Dated Sept. 29, 1908. Filed Oct. 6, 1908. Deeds bk. 16, p. 387. Cons., $600. Conveys timber on lands in sec. 1, 143, 37, as above marked in plats E and F.

4. *Quitclaim deed.*—Bemidji Lumber Co. to Albert Kaiser. Date Sept. 13, 1910. Filed Dec. 31, 1910. Deeds bk. 20, p. 284. Cons., $1.00 and other. Conveys lands marked on plats C, E, F, hereto attached.

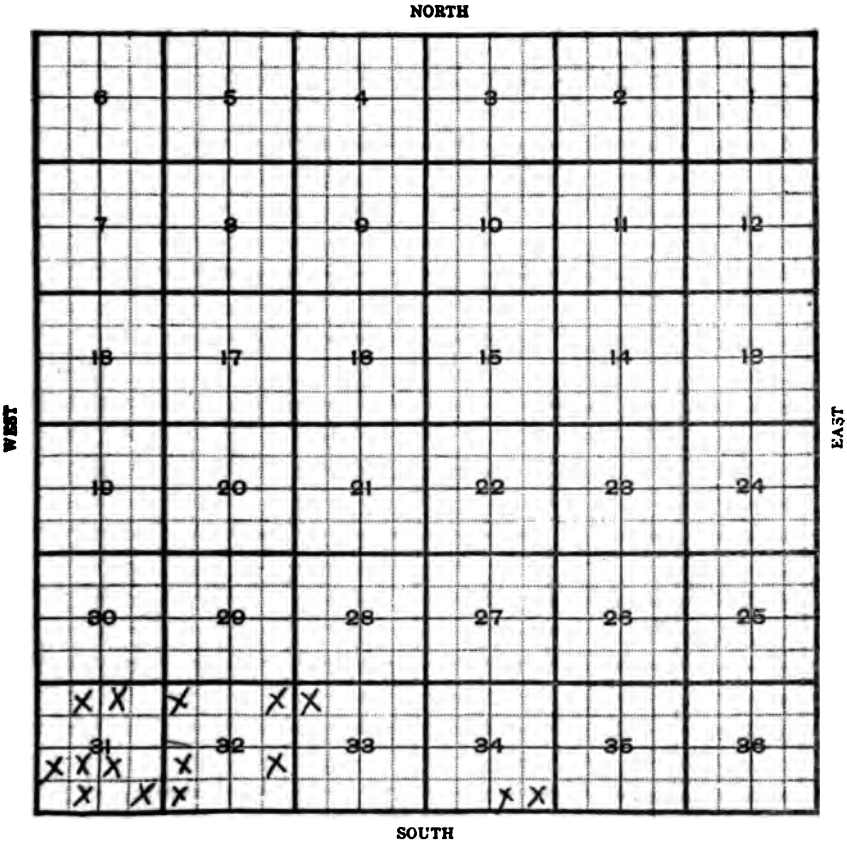
5. *Warranty deed.*—Albert Kaiser and wife to Laurence J. Hemen. Dated Aug. 5, 1911. Filed Aug. 17, 1911. Deeds bk. 21, p. 419. Cons., $3,000. Conveys lands on plats A, B, D, E, F and G, hereto attached.

6. *Mortgage.*—Laurence J. Hemen and wife to Albert Kaiser. Dated Aug. 10, 1911. Filed Aug. 17, 1911. Mtg. bk. 19, p. 162. Cons., $1,400. Conveys same as abs. No. 5 above.

Nov. 2, 1911.

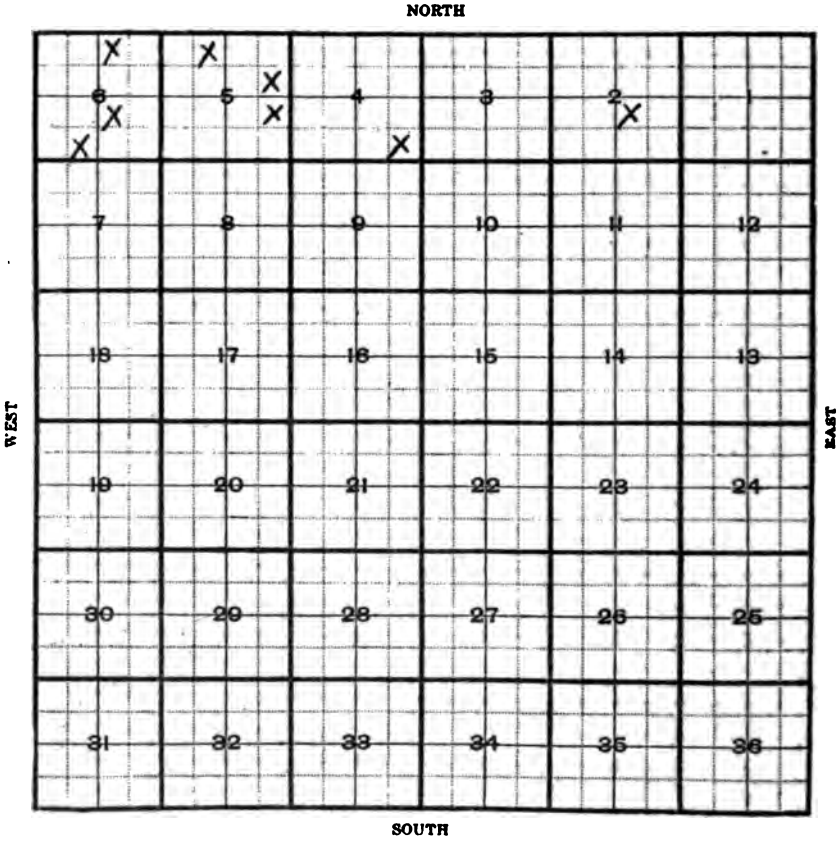
BURCH'S EXHIBIT NO. 17—Continued.

LUTHER DAVIS—PLAT D. Township 143, range 37.



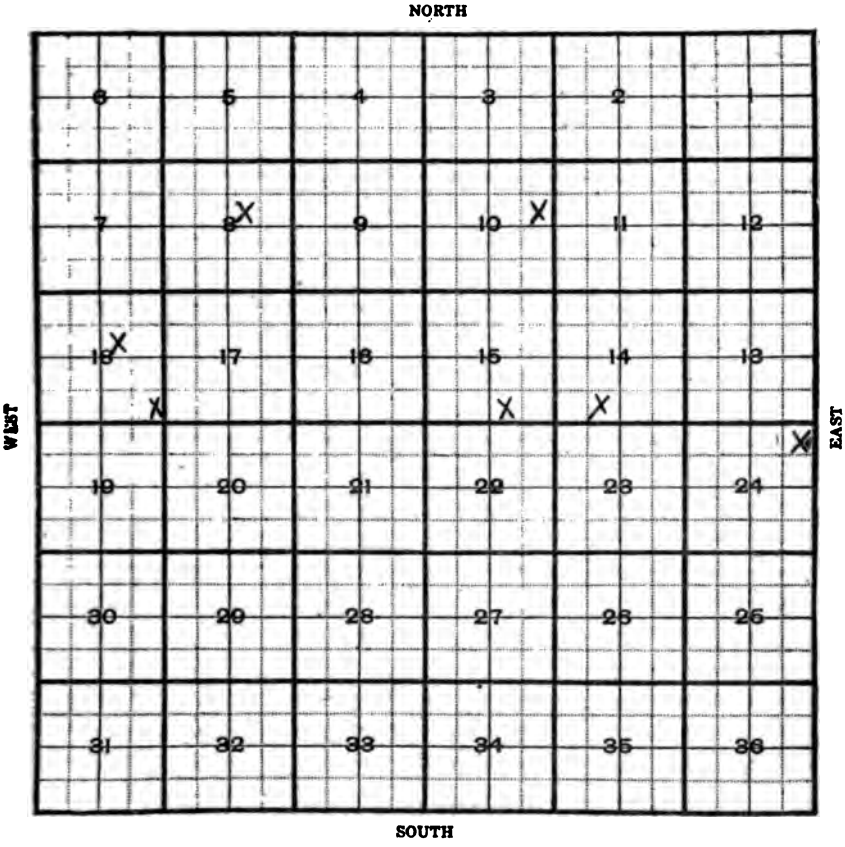
BURCH'S EXHIBIT NO. 17—Continued.

LUTHER DAVIS—PLAT C. Township 143, range 37.



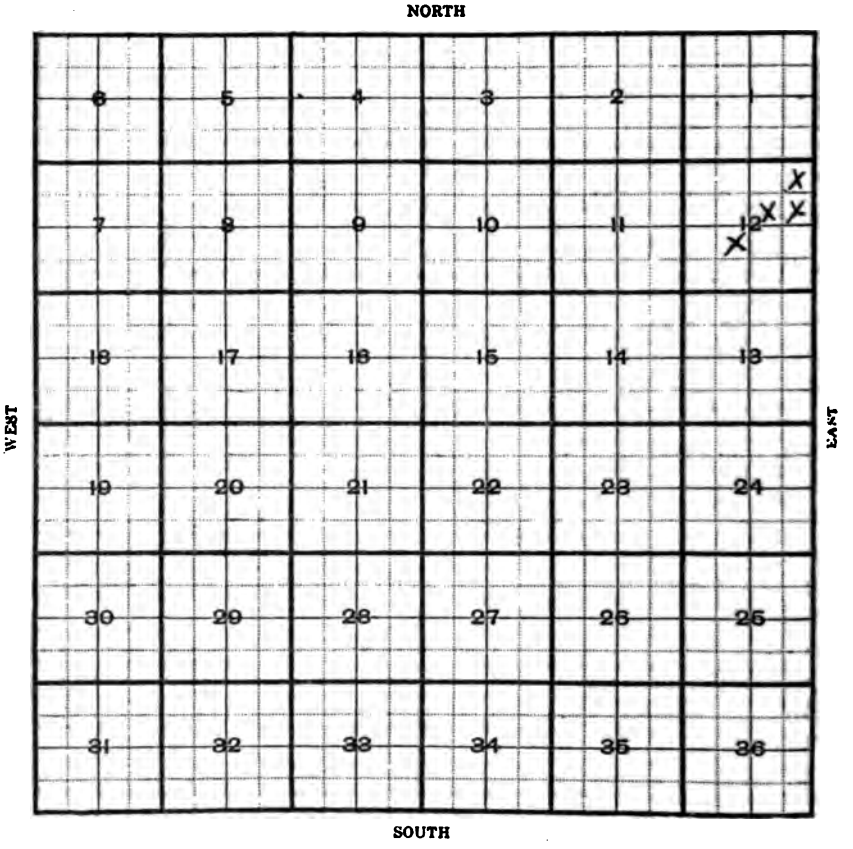
BURCH'S EXHIBIT NO. 17—Continued.

LUTHER DAVIS—PLAT B. Township 143, range 37.



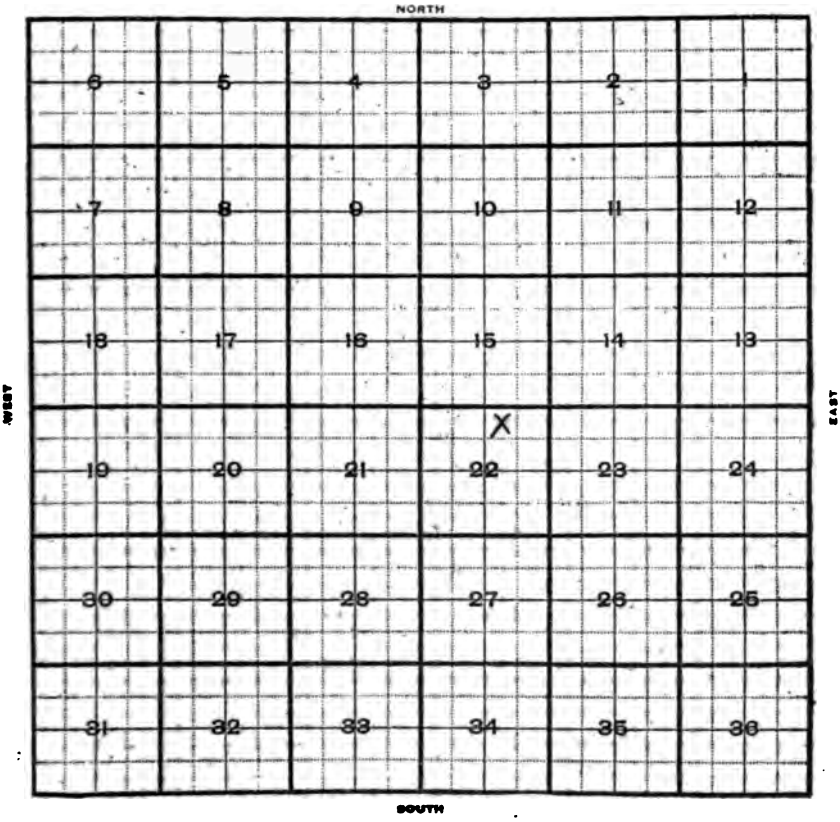
BURCH'S EXHIBIT NO. 17—Continued.

LUTHER DAVIS—PLAT A. Township 144, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

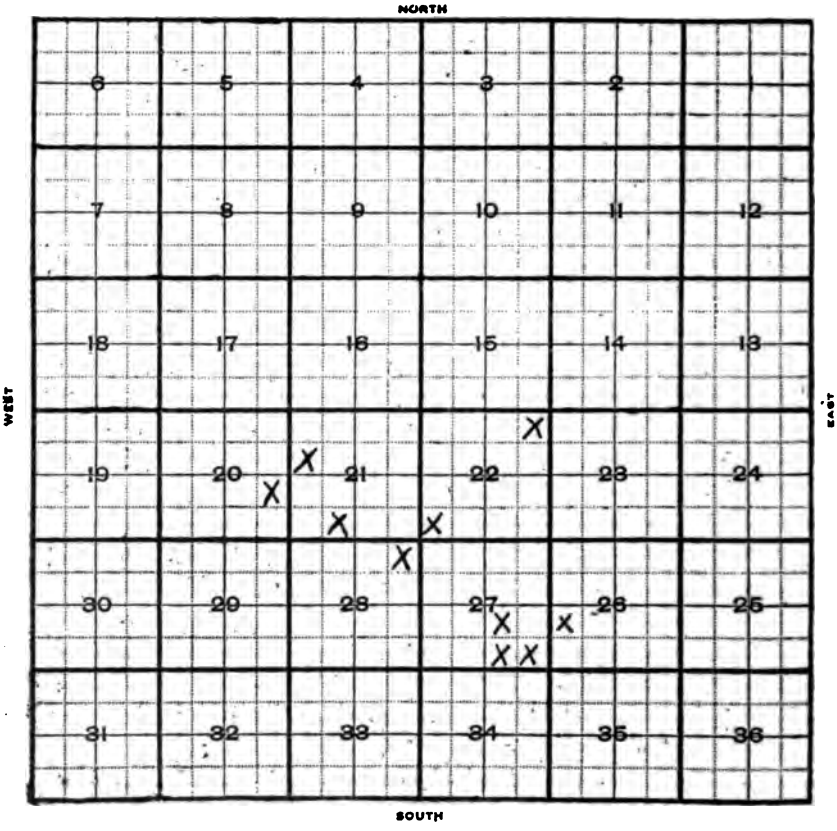
ALBERT KAISER—PLAT A. Township 143, range 37.



23191—No. 8—12——8

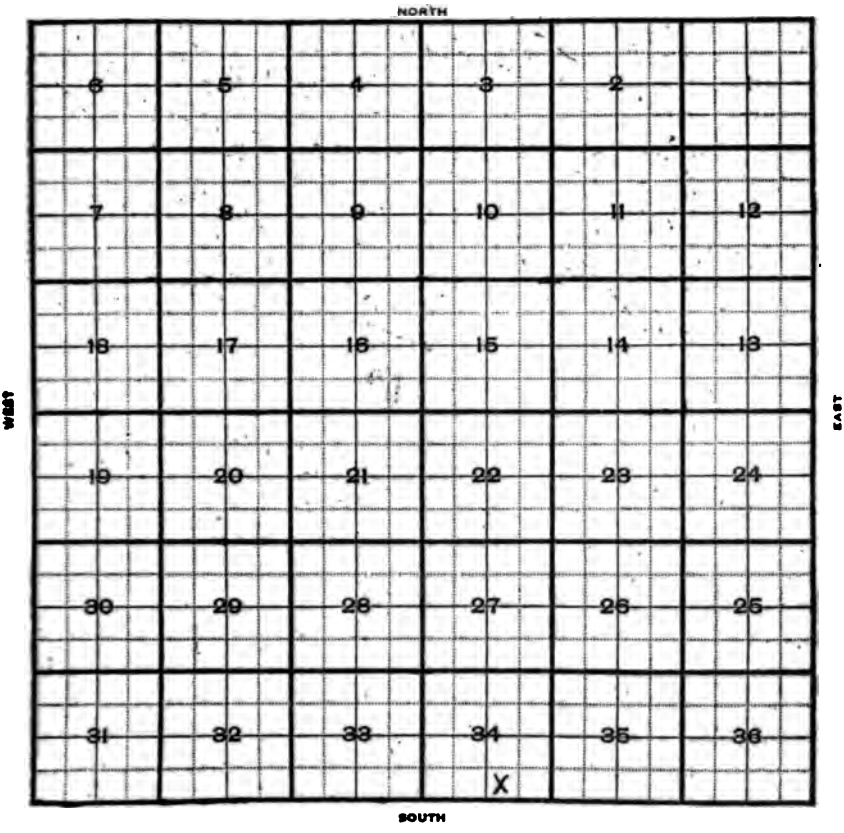
BURCH'S EXHIBIT NO. 17—Continued.

ALBERT KAISER—PLAT B. Township 143, range 37.



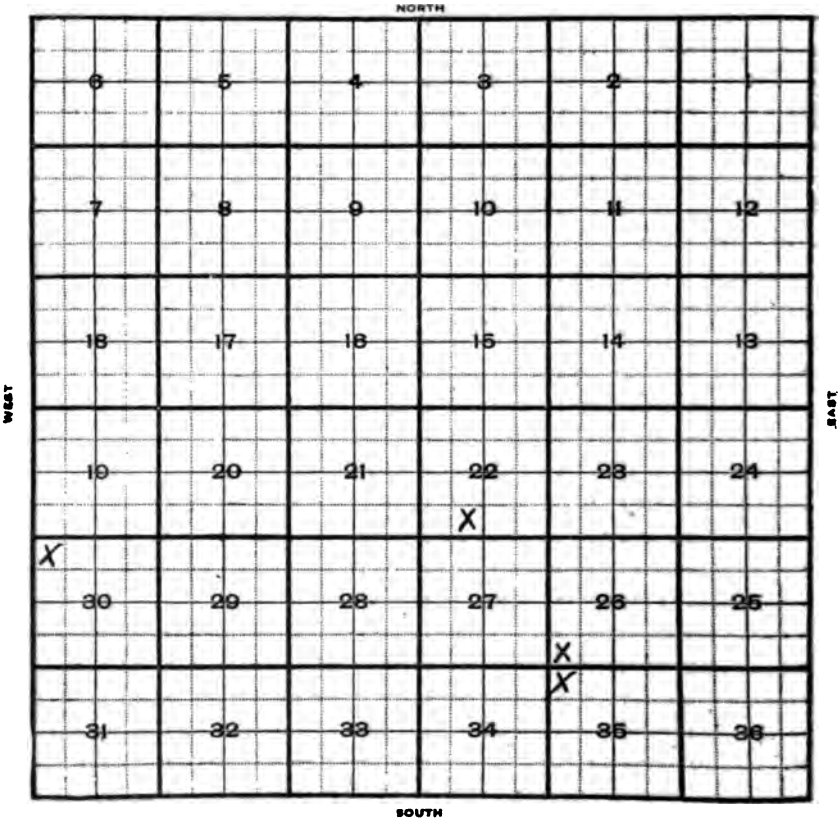
BURCH'S EXHIBIT NO. 17—Continued.

ALBERT KAISER—PLAT C. Township 144, range 37.



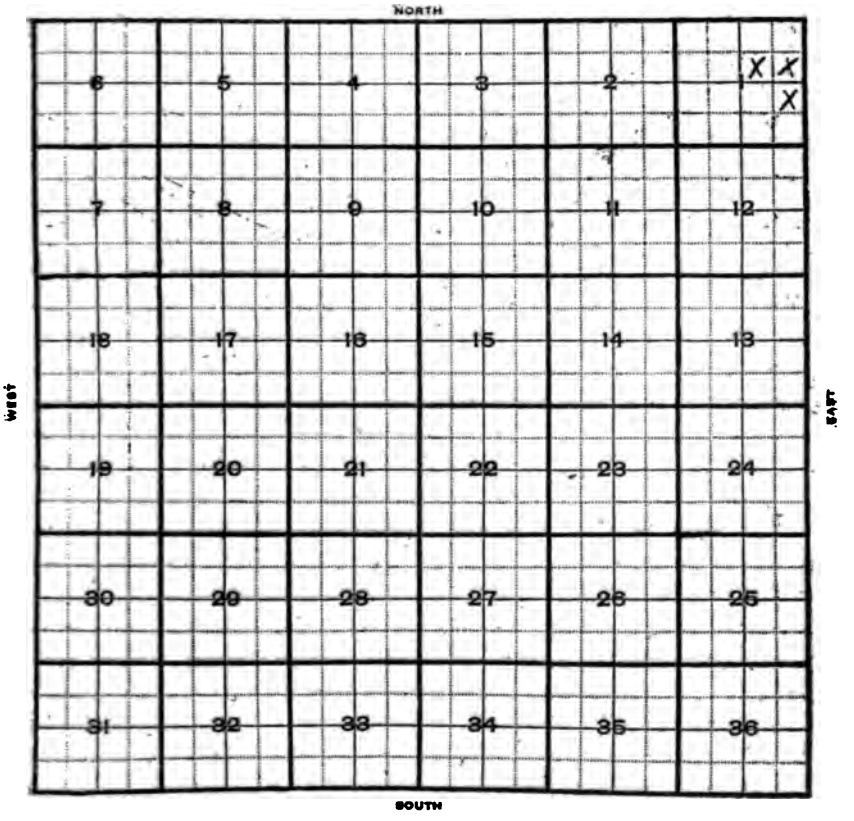
BURCH'S EXHIBIT NO. 17—Continued.

ALBERT KAISER—PLAT D. Township 143, range 37.



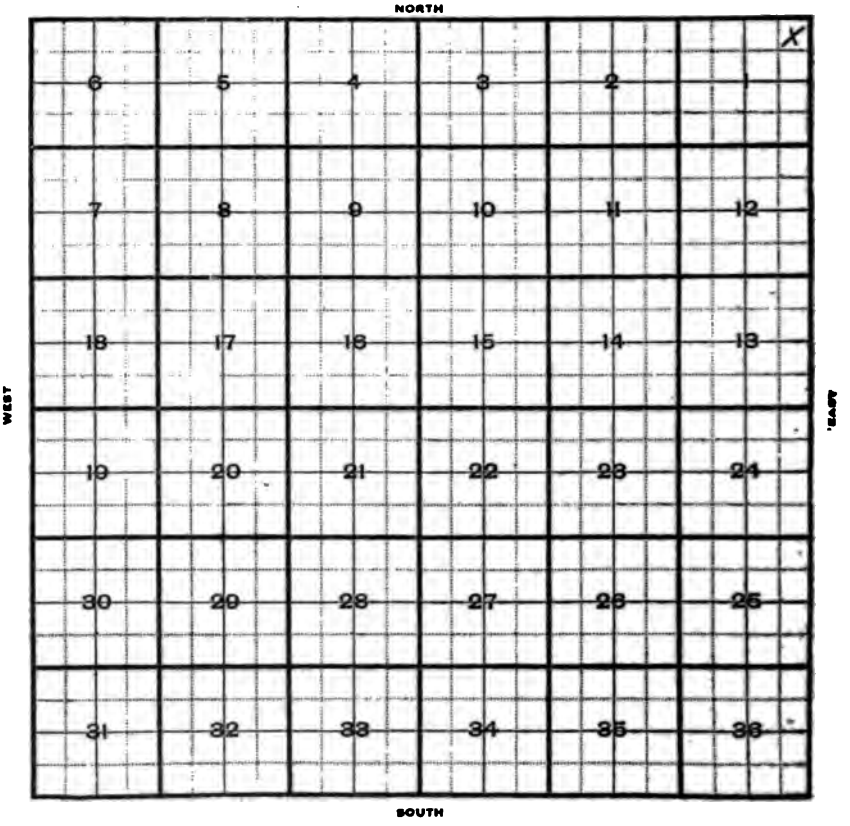
BURCH'S EXHIBIT NO. 17—Continued.

ALBERT KAISER—PLAT E. Township 143, range 37.



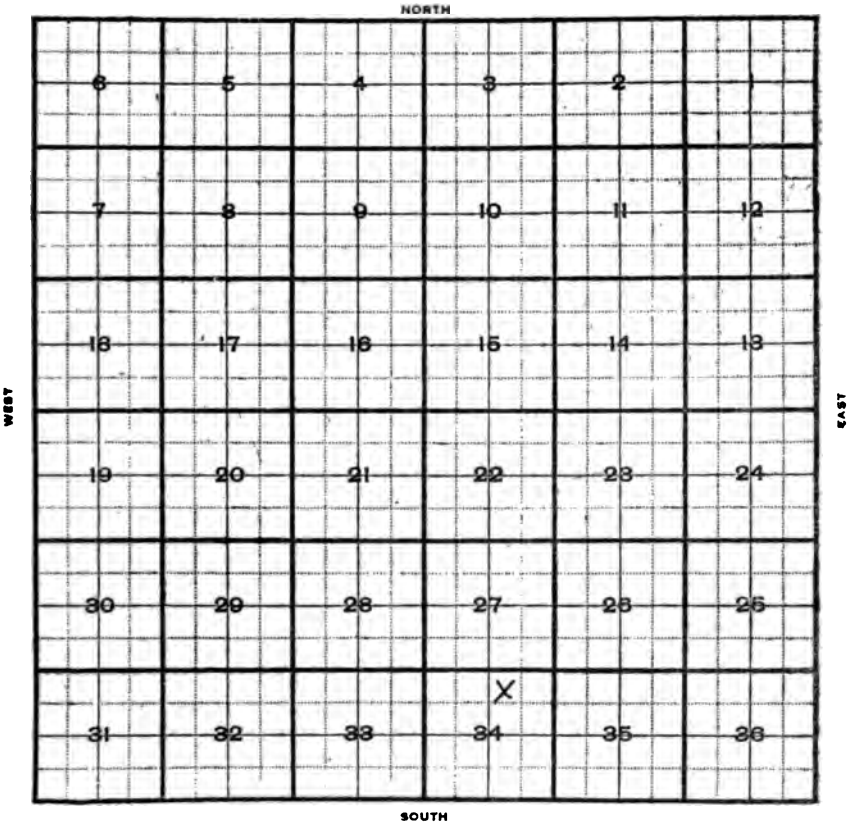
BURCH'S EXHIBIT NO. 17—Continued.

ALBERT KAISER—PLAT F. Township 143, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

ALBERT KAISER—PLAT G. Township 143, range 37.



1. *Patents.*—United States to Hovey C. Clark. Dated April and May, 1902. Filed June 3, 1909. Deeds bk. 5, pp. 497-505. Convey lands marked on plats A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, and T hereto attached.

2. *Quitclaim deed.*—Hovey C. Clark & wife to Nichols-Chisolm Lumber Co. Dated Sept. 25, 1906. Filed Nov. 8, 1909. Deeds bk. 18, p. 391. Cons., $1.00 & other. Conveys lands marked on west half of township 144, R. 37, as marked on plats A, B, D, R, and T hereto attached, and all lands marked on plat E hereto attached.

3. *Warranty deed.*—Nichols-Chisolm Lumber Co. to Wild Rice Lumber Co. Dated Sept. 25, 1906. Filed Oct. 26, 1909. Deeds bk. 18, p. 368. Cons., $1.00 and other. Conveys lands in abs. No. 2, above and other.

4. *Warranty deed.*—Wild Rice Lumber Co. to Charles A. Lammers. Dated Dec. 18, 1909. Filed Jan. 28, 1910. Deeds bk. 18, p. 499. Cons., $45,560.85. Conveys lands in abs. No. 2, above and other. Reserving minerals and timber.

5. *Mortgage deed.*—Charles A. Lammers and wife to Farmers & Merchants State Bank of Stillwater. Dated Jan. 11, 1910. Filed Jan. 28, 1910. Mtg. bk. 18, p. 580. Cons., $25,000. Convey lands in abs. No. 2, above and other. Reserving minerals & timber to Wild Rice Lbr. Co.

6. *Warranty deed.*—Charles A. Lammers and wife to Solway Land Co. Dated Jan. 11, 1910. Filed Jan. 28, 1910. Deeds bk. 18, p. 504. Cons., $55,935.10. Conveys lands in abstract No. 2 above and other.

Nov. 3, 1911.

For abstract on other lands patented to Hovey C. Clark, see following pages.

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1. *Patents.*—United States to Hovey C. Clark. Dated April & May, 1902. Filed June 3, 1909. Deeds bk. 5, pp. 497-505, and deeds bk. 18, p. 125.

2. *Mortgage.*—Nichols Chisolm Lumber Co., Hovey C. Clark & wife, Thomas H. Shevlin & wife to Minneapolis Trust Co. Dated July 10, 1909. Filed July 17, 1909. Mtg. bk. 18, page 259. Cons. $1,500,000. Conveys lands marked on east half of township 144, Rg. 37, on Plats A, B, C, D, R, and T, and all lands marked on Plats F, G, H, I, J, K, L, M, N, O, P, Q, and S, hereto attached.

Nov. 3, 1911.

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1. *Patents.*—United States to Otis Staples. Dated May 2, 1903. See backs of Plats A & B.

2. *Quitclaim deed.*—Otis Staples & wife to Hovey C. Clark. Dated Sept. 29, 1904. Filed Dec. 4, 1905. Deeds bk. 5, page 64. Cons. $6,000. Conveys lands marked on Plat A in sections 7, 21, 27, & 28, hereto attached, and on Plat B, in sections 29 & 32.

3. *Quitclaim deed.*—Hovey C. Clark & wife to Nichols Chisolm Lumber Co. Dated Sept. 25, 1906. Filed Nov. 8, 1909. Deeds bk. 18, p. 391. Cons. $1.00 & other. Conveys same as abs. 2 above & other.

4. *Warranty deed.*—Nichols Chisolm Lumber Co. to Wild Rice Lumber Co. Dated Sept. 25, 1906. Filed Oct. 26, 1909. Deeds bk. 18, p. 368. Cons. $1.00 & other. Conveys same as abs. 2 above and other.

5. *Warranty deed.*—Wild Rice Lumber Co. to Charles A. Lammers. Dated Dec. 18, 1909. Filed Jan. 28, 1910. Deeds bk. 18, p. 499. Cons. $45,565.85. Conveys same as abs. 2 above and other excepting NW. of NW. 28, 146, 37, and NE. of SE. 20, 146, 37, reserving timber and minerals.

NOTE.—NW. of NW. 28, 146, 37, herein excepted, was deeded Nov. 7, 1909, to Andrew Netland, reserving timber and minerals.

NOTE.—NE. of SE. 20, 146, 37, deeded to John Oversea, reserving timber.

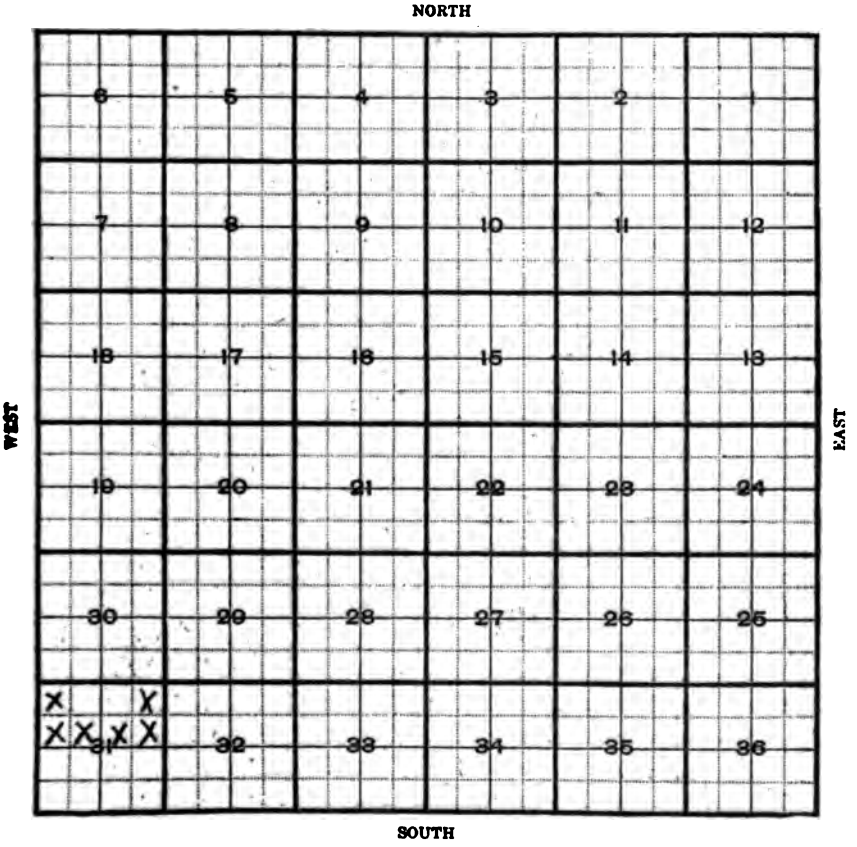
6. *Mortgage.*—Charles A. Lammers & wife to Farmers & Merchants State Bank of Stillwater. Dated Jan. 8, 1910. Filed Feb. 5, 1910. Mtg. bk. 18, p. 580. Cons. $25,000. Conveys same as abs. 5, with same exceptions and reservations.

7. *Warranty deed.*—Charles A. Lammers & wife to Solway Land Co. Dated Jan. 11, 1910. Filed Jan. 28, 1910. Deeds bk. 18, p. 504. Cons. $45,935.10. Conveys same as abs. 5, with same exceptions & reservations.

Nov. 2, 1911.

BURCH'S EXHIBIT NO. 17—Continued.

THOMAS MONROE—PLAT A. Township 143, range 37.

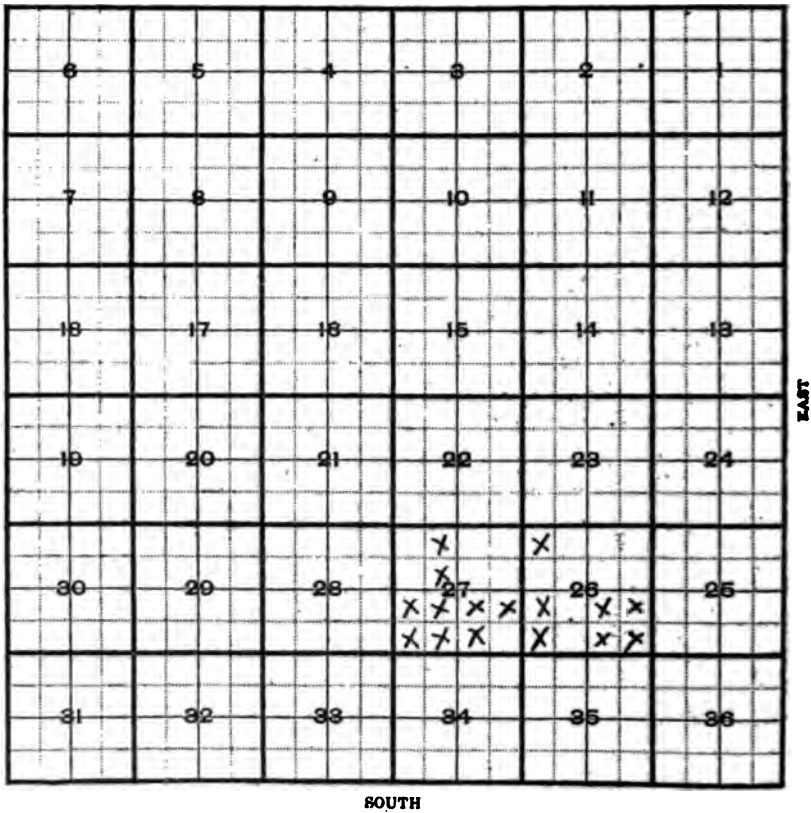


BURCH'S EXHIBIT NO. 17—Continued.

WILLIS J. WALKER (MINNEAPOLIS)—PLAT A. Township 145, range 37.

NORTH

WEST

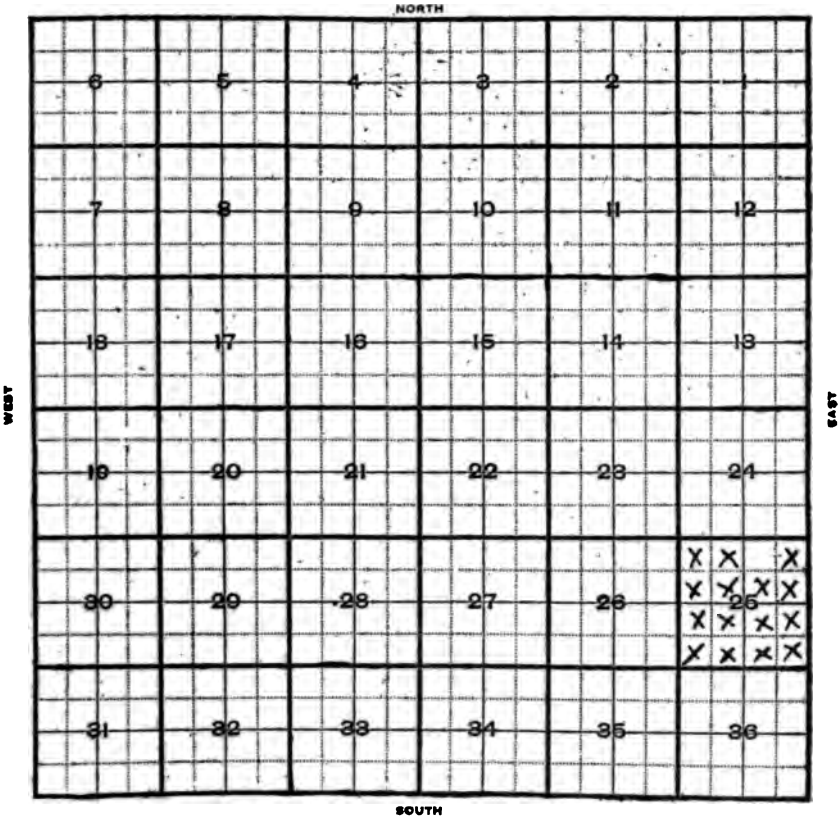


EAST

SOUTH

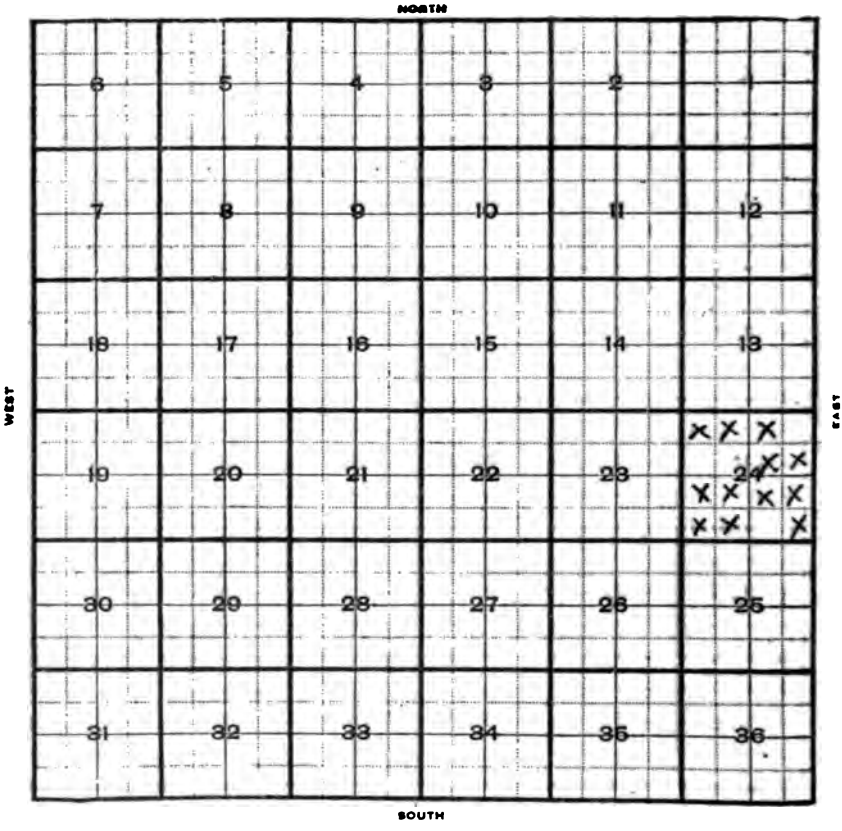
BURCH'S EXHIBIT NO. 17—Continued.

WILLIS J. WALKER (MINNEAPOLIS)—PLAT B. Township 145, range 37.



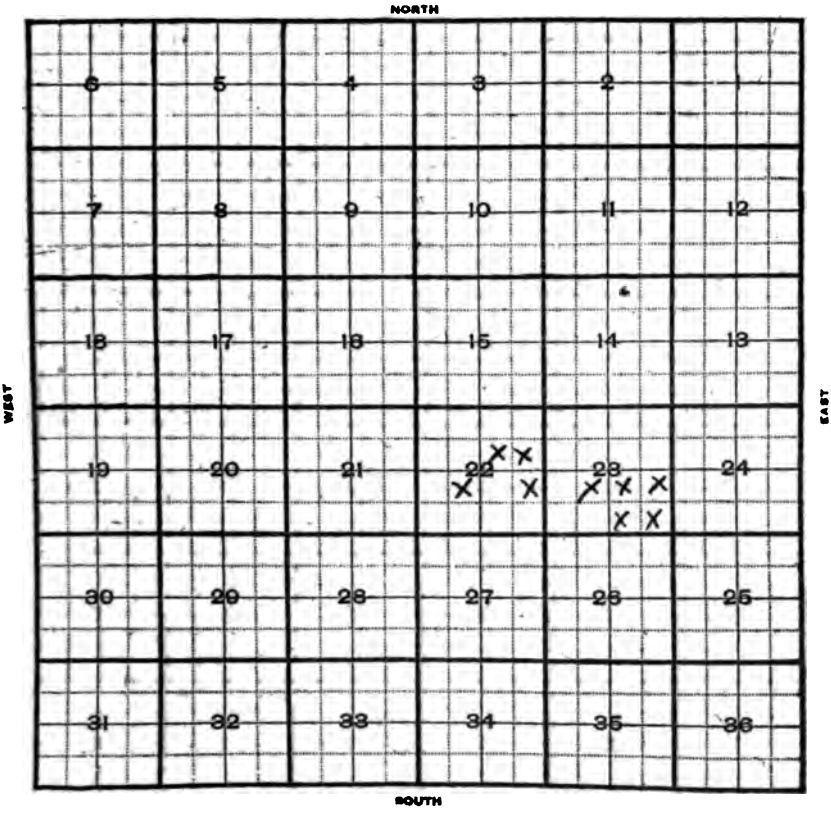
BURCH'S EXHIBIT NO. 17—Continued.

WILLIS J. WALKER (MINNEAPOLIS)—PLAT C. Township 145, range 37.



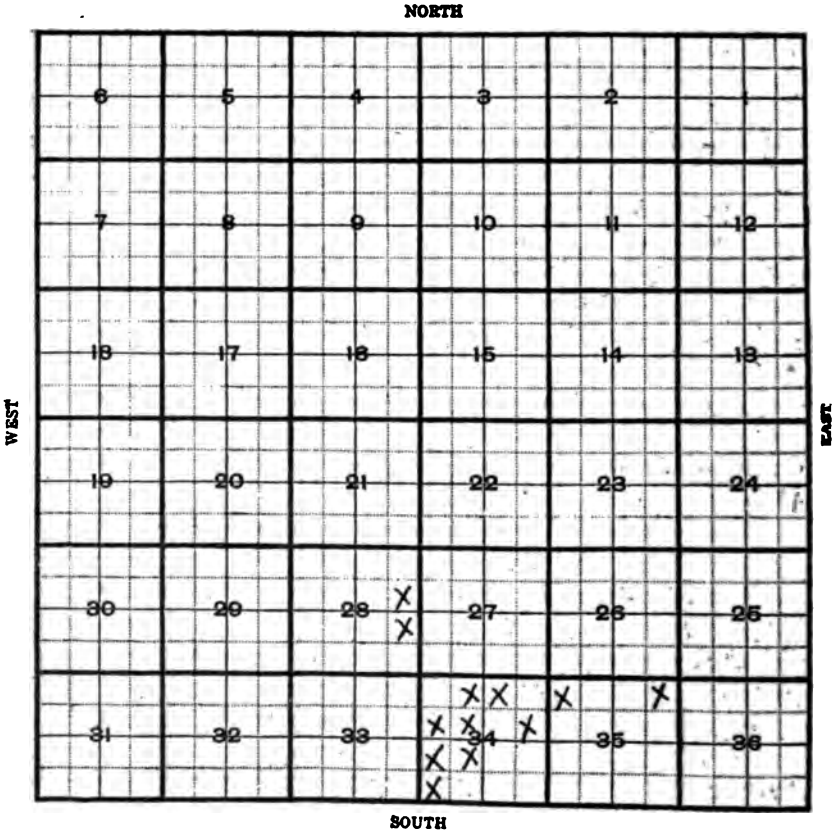
BURCH'S EXHIBIT NO. 17—Continued.

WILLIS J. WALKER (MINNEAPOLIS)—PLAT D. Township 145, range 37.



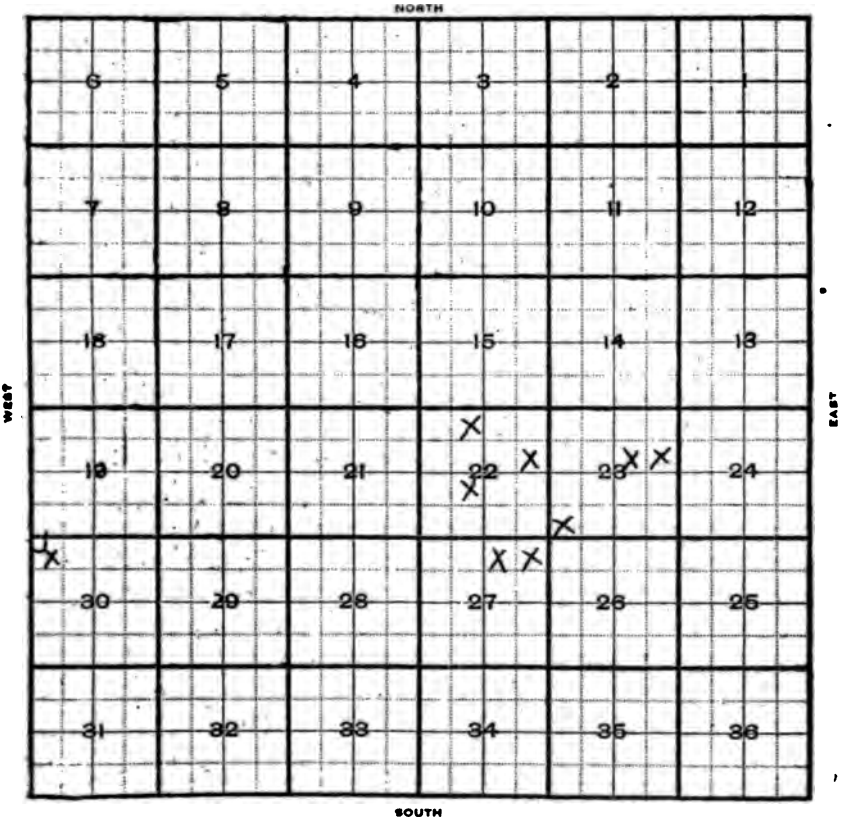
BURCH'S EXHIBIT NO. 17—Continued.

WILLIS J. WALKER—PLAT E. Township 145, range 37.



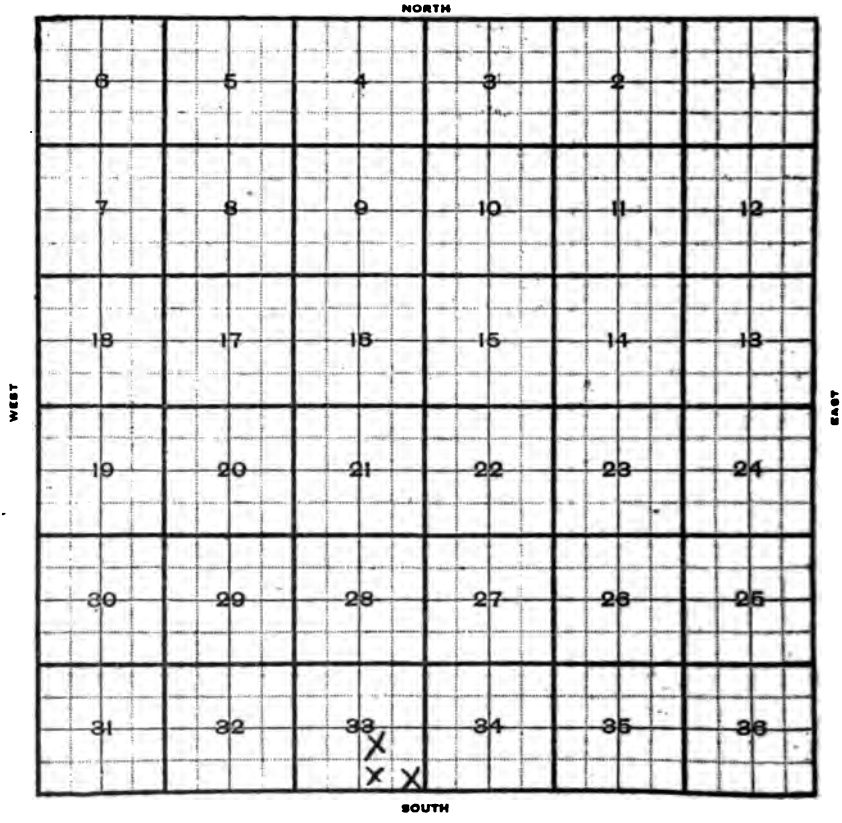
BURCH'S EXHIBIT NO. 17—Continued.

MICHAEL H. MCCARTHY—PLAT A. Township 143, range 37.



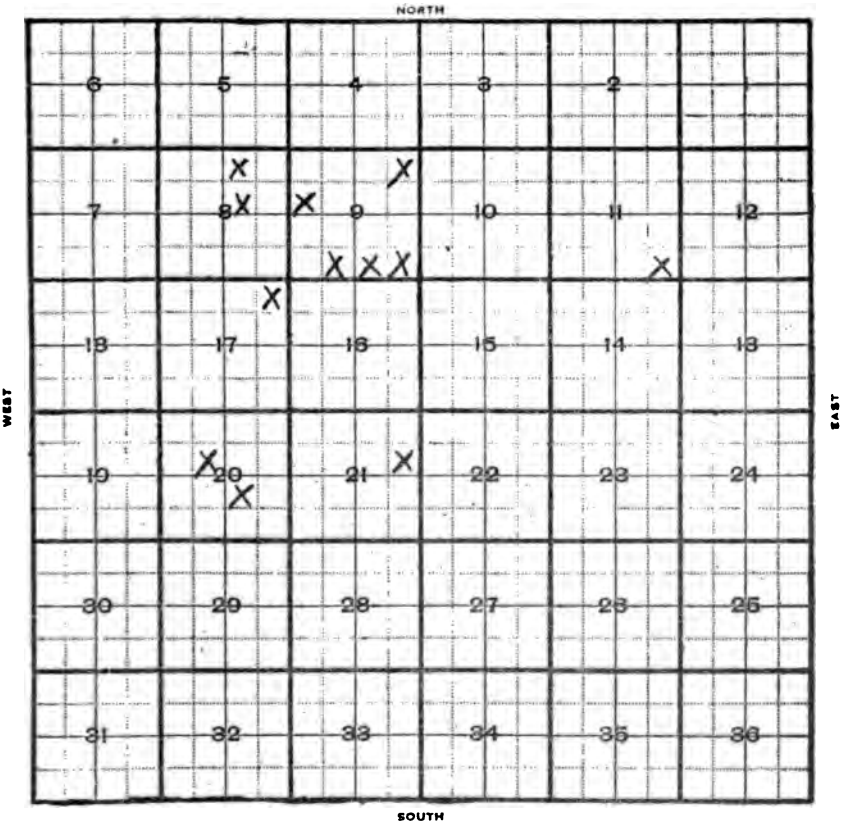
BURCH'S EXHIBIT NO. 17—Continued.

MICHAEL H. MCCARTHY—PLAT B. Township 143, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

MICHAEL H. MCCARTHY—PLAT C. Township 143, range 37.



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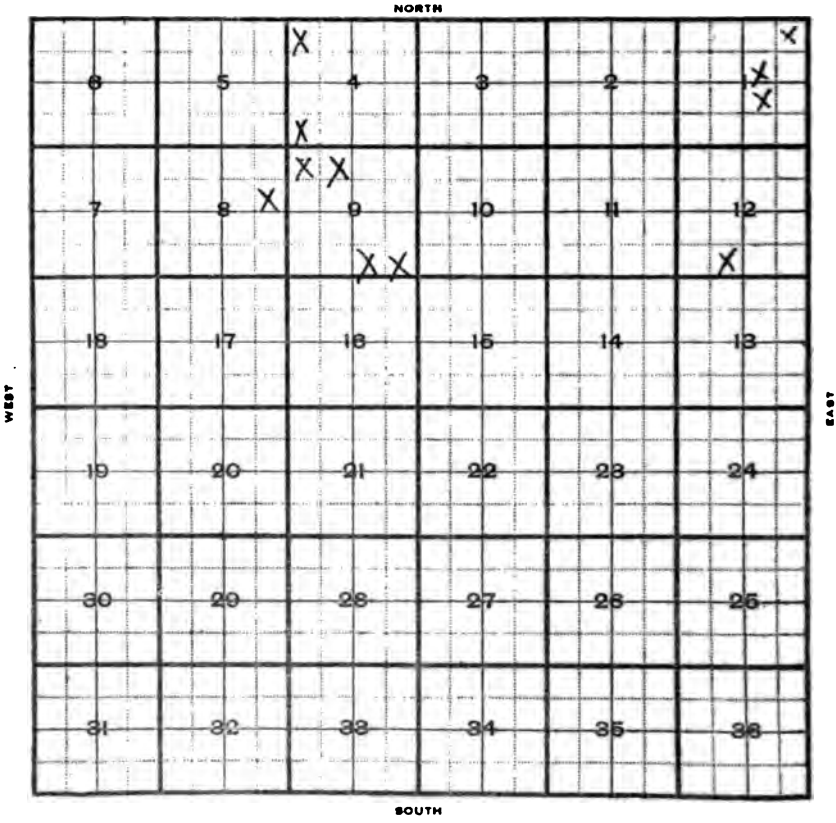
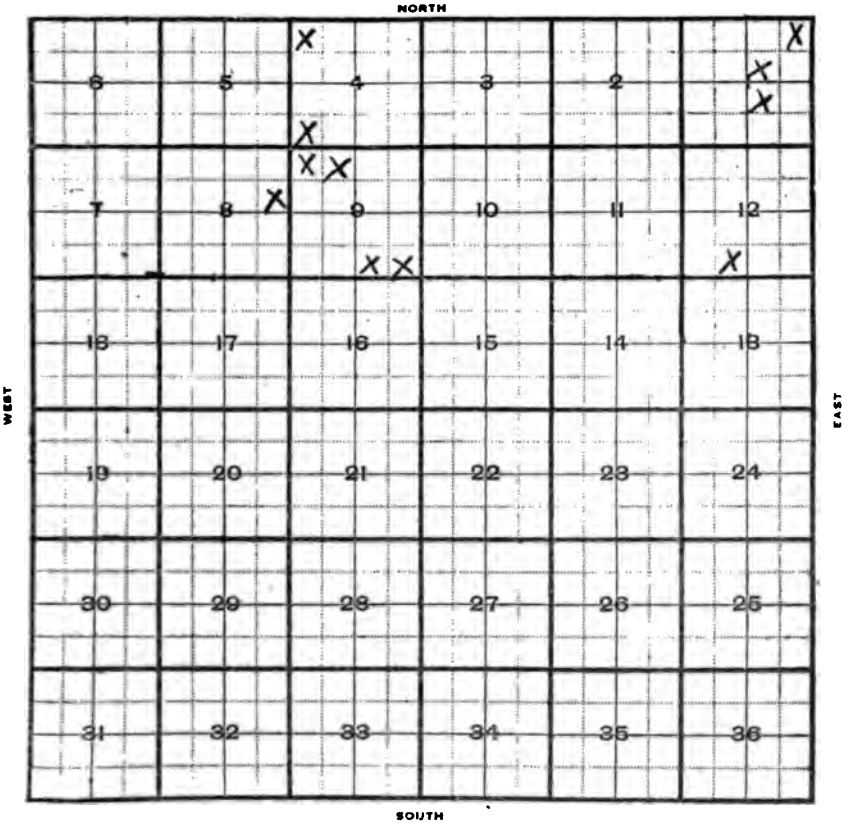
BURCH'S EXHIBIT NO. 17—Continued.

MICHAEL H. MCCARTHY—PLAT D. Township 144, range 37.



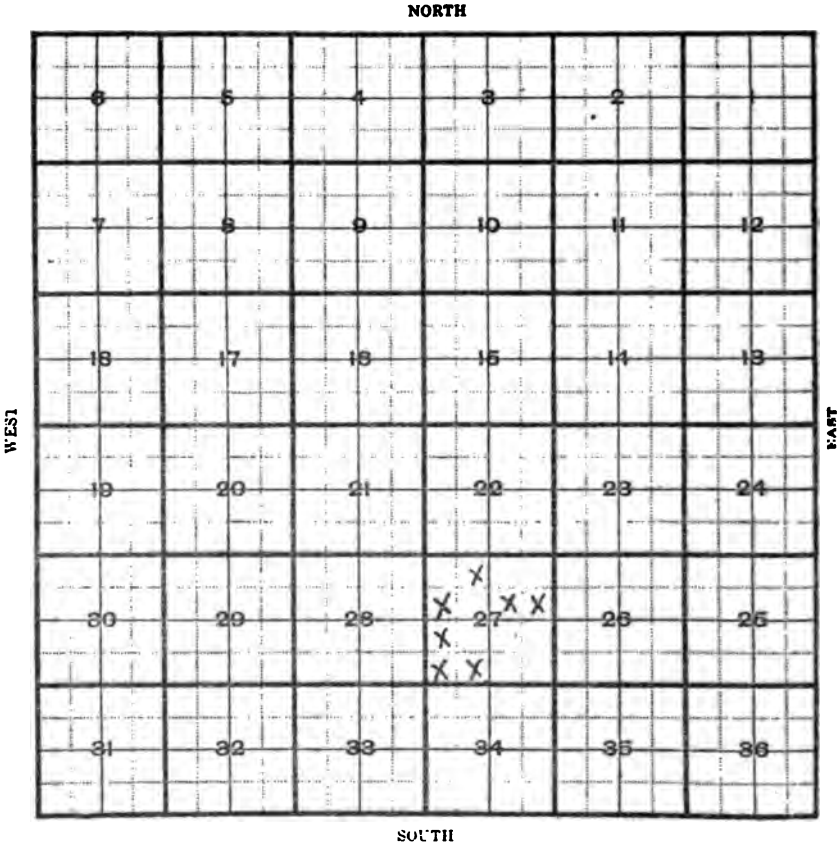
BURCH'S EXHIBIT NO. 17—Continued.

MICHAEL H. MCCARTHY—PLAT D. (Supplemental.) Township 144, range 37.



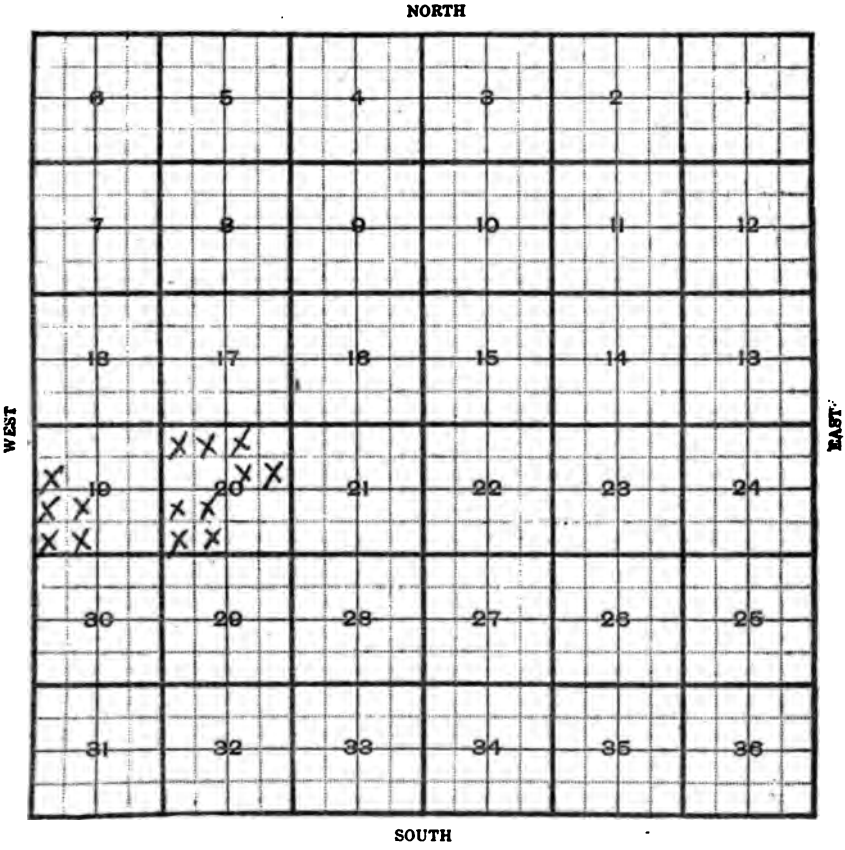
BURCH'S EXHIBIT NO. 17—Continued.

WILLIAM F. BROOKS—PLAT A. Township 143, range 37.



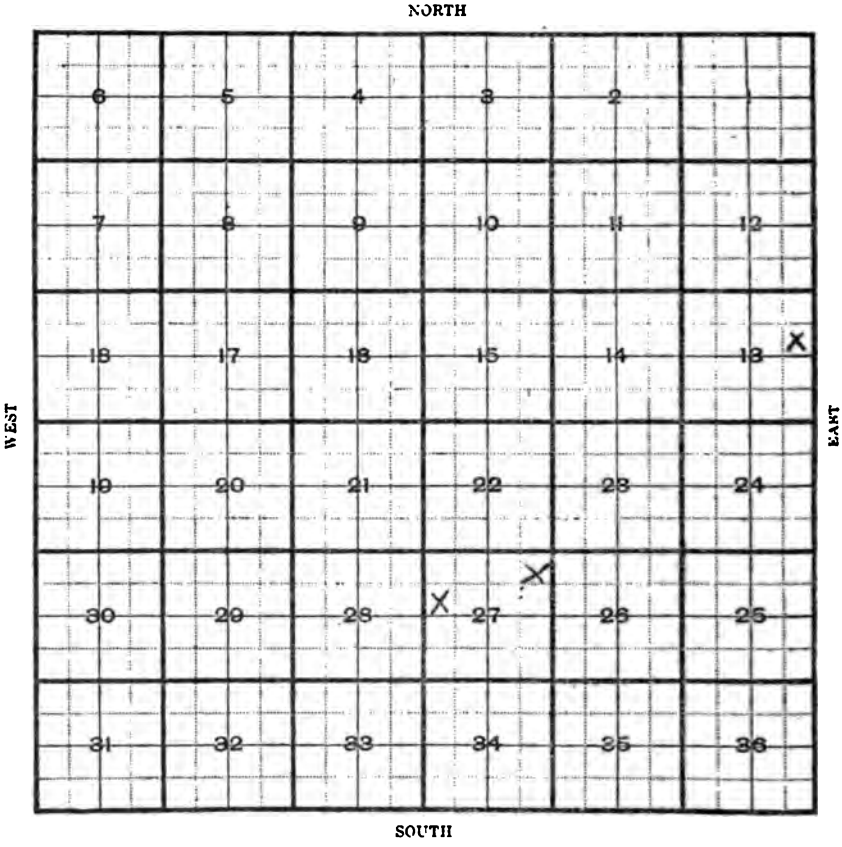
BURCH'S EXHIBIT NO. 17—Continued.

WILLIAM F. BROOKS—PLAT B. Township 143, range 37.



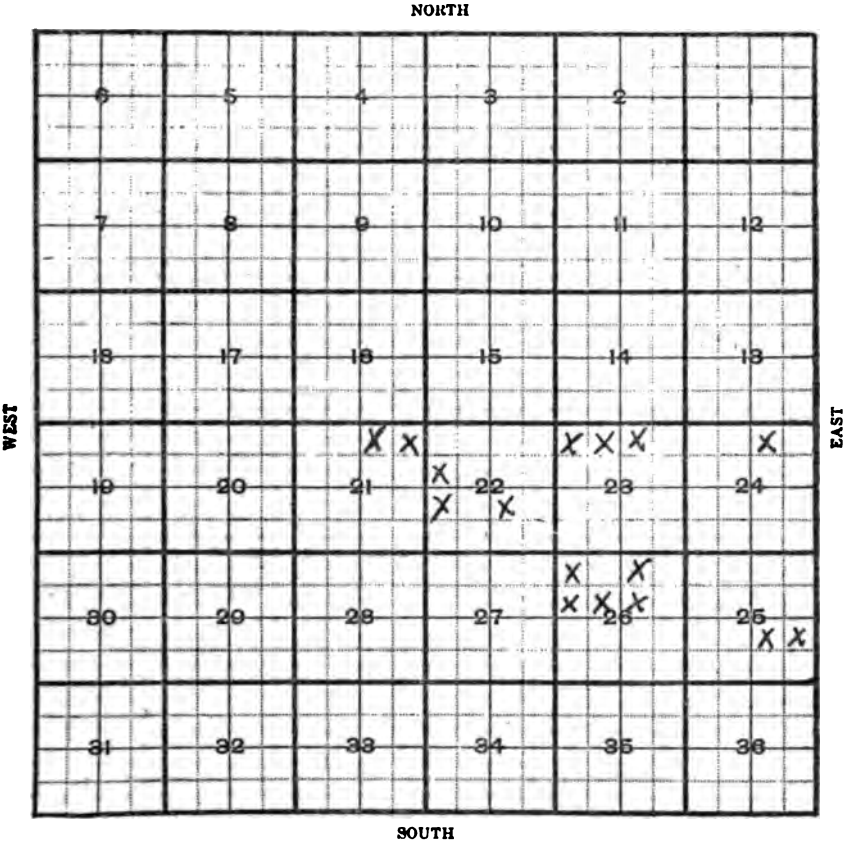
BURCH'S EXHIBIT NO. 17—Continued.

WILLIAM F. BROOKS—PLAT C. Township 145, range 37.



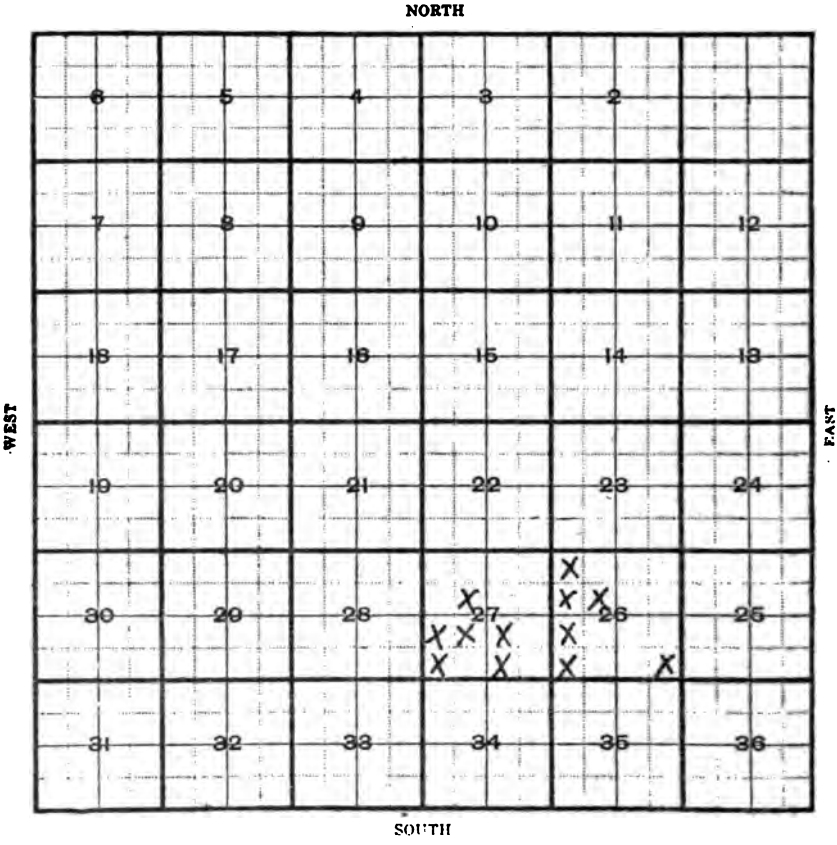
BURCH'S EXHIBIT NO. 17—Continued.

WILLIAM F. BROOKS—PLAT D. Township 143, range 37.



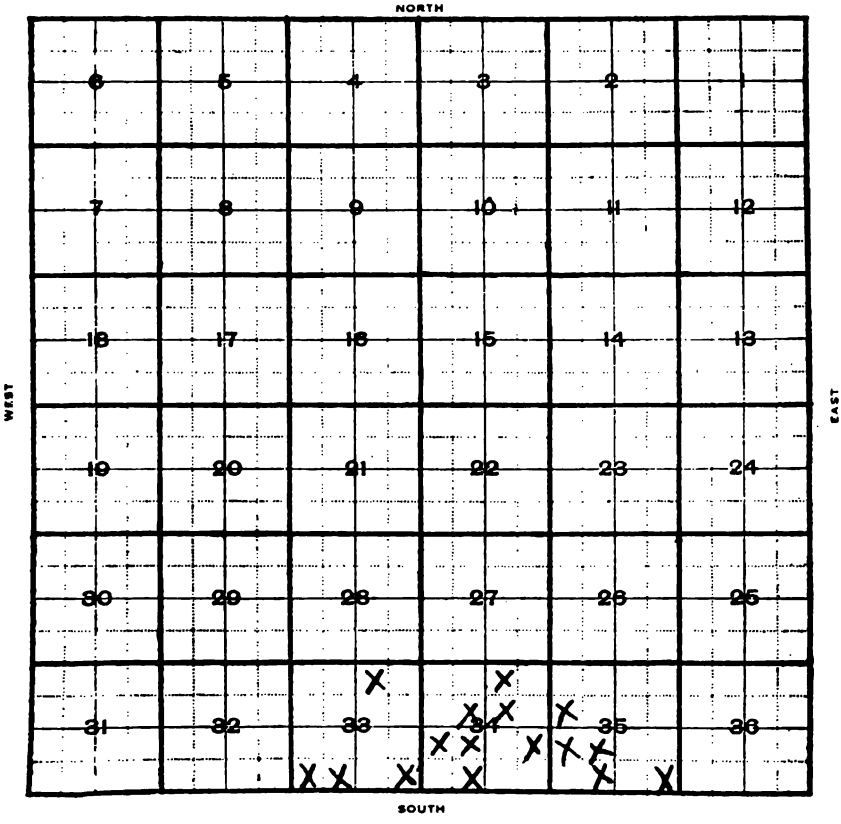
BURCH'S EXHIBIT NO. 17—Continued.

WILLIAM F. BROOKS—PLAT E. Township 144, range 37.



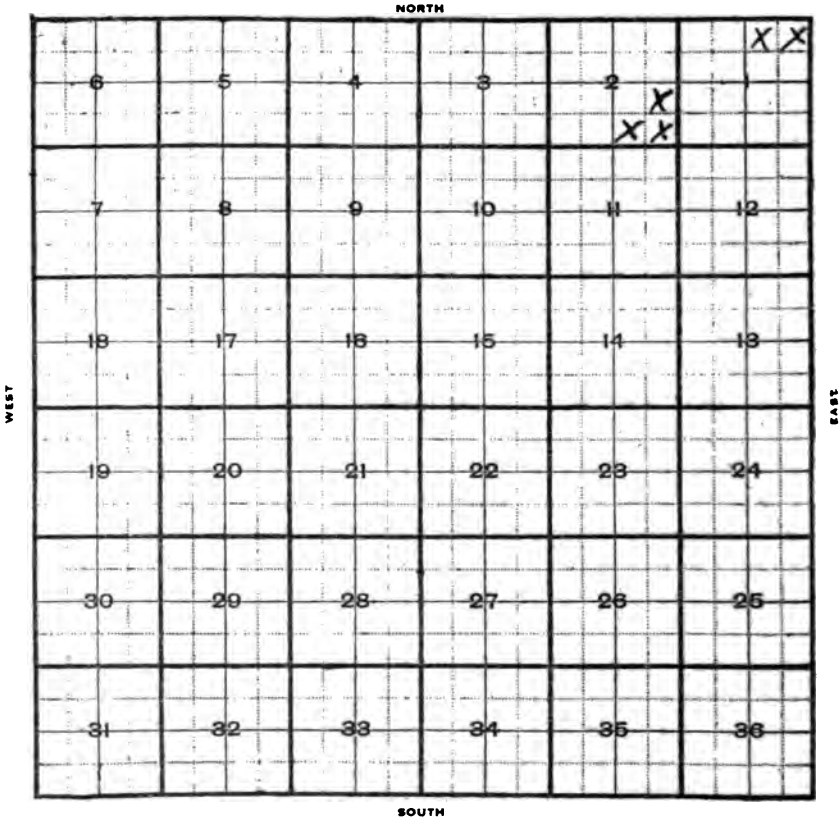
BURCH'S EXHIBIT NO. 17—Continued.

CHARLES F. WELLS—PLAT A. Township 144, range 37.



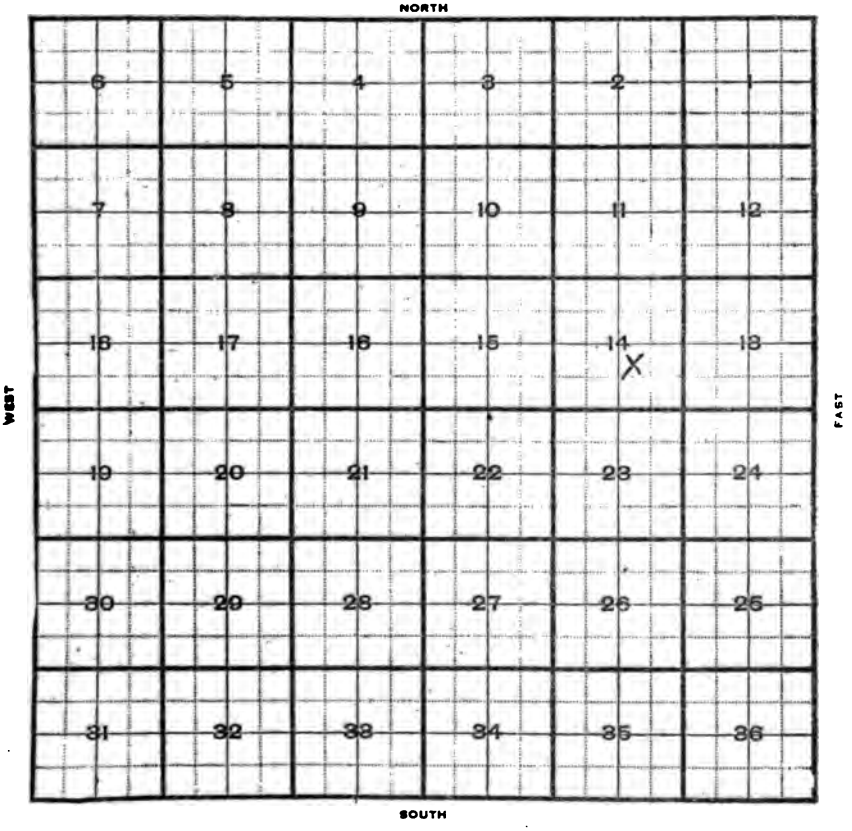
BURCH'S EXHIBIT NO. 17—Continued.

CHARLES F. WELLS -PLAT B. Township 145, range 37.



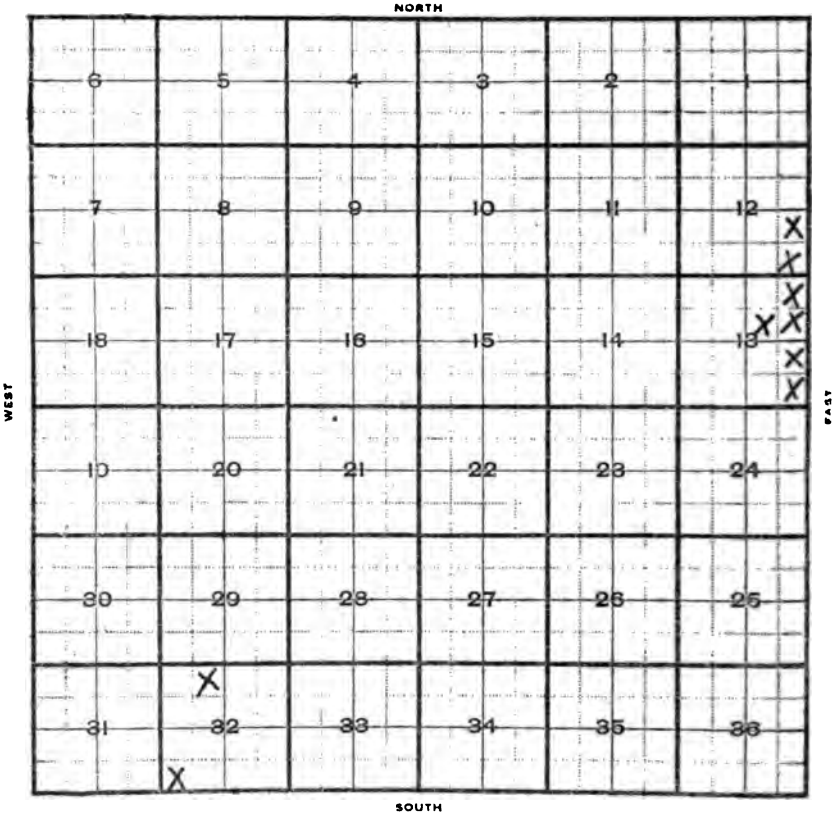
BURCH'S EXHIBIT NO. 17—Continued.

B. S. BENNETT. (Clearwater County.) Township 145, range 37.



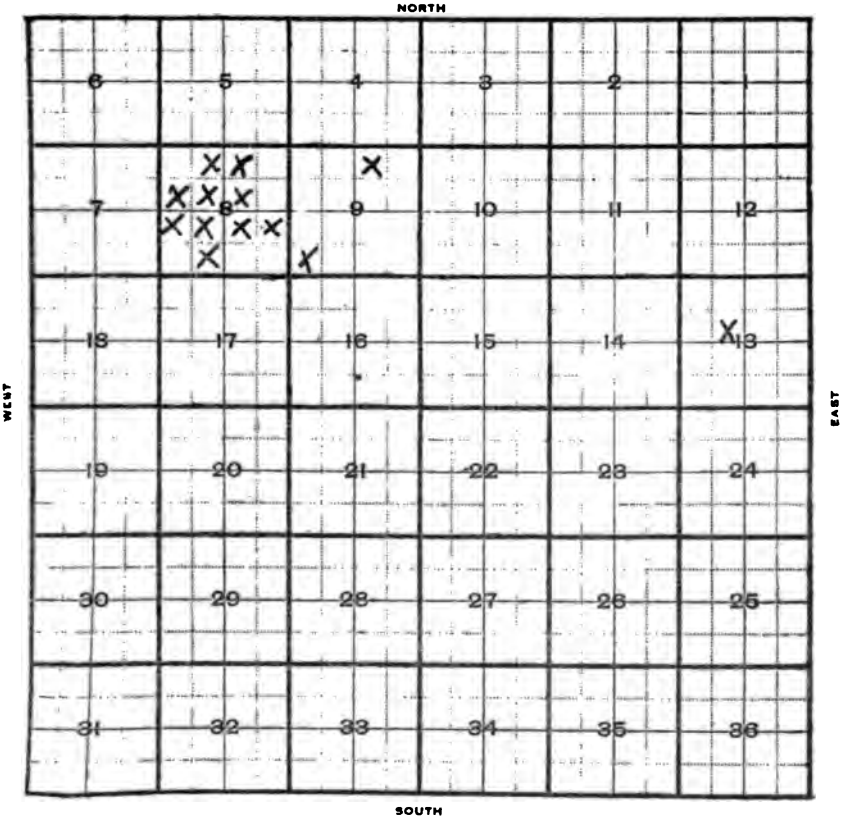
BURCH'S EXHIBIT NO. 17—Continued.

OLE ERICKSON—PLAT B. Township 146, range 37.



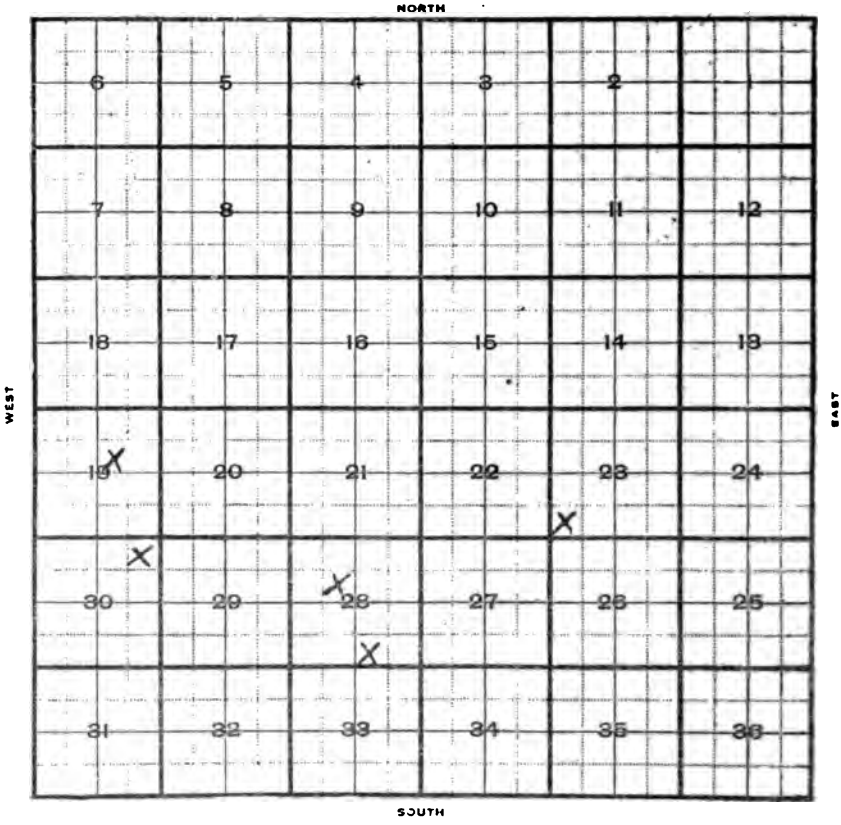
BURCH'S EXHIBIT NO. 17—Continued.

OLE ERICKSON—PLAT C. Township 145, range 37.



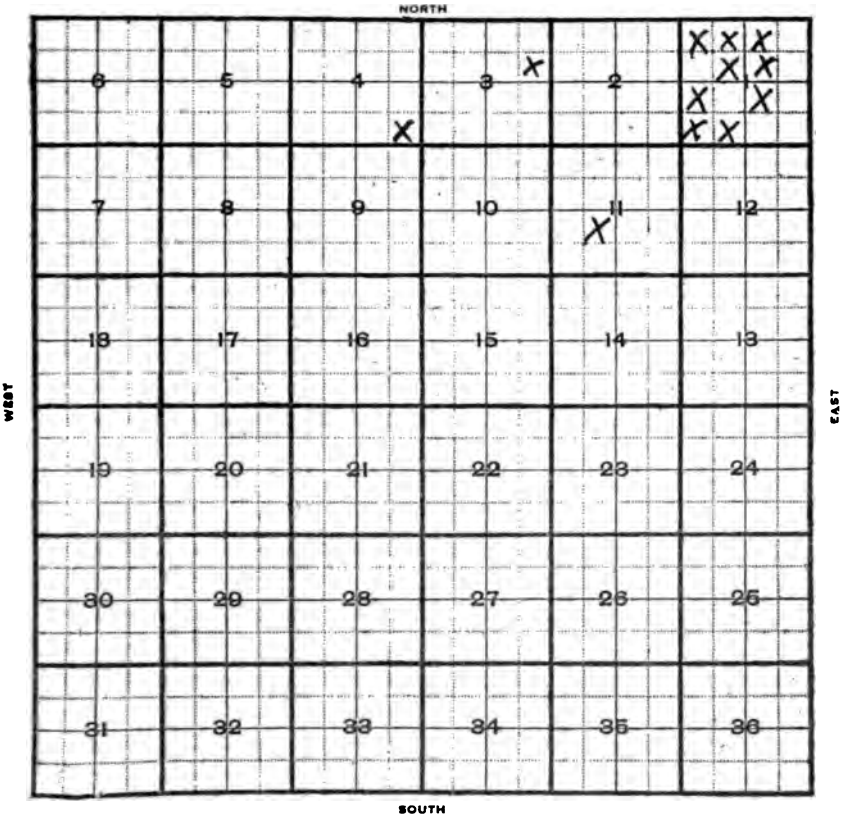
BURCH'S EXHIBIT NO. 17—Continued.

OLE ERICKSON—PLAT D. Township 145, range 37.



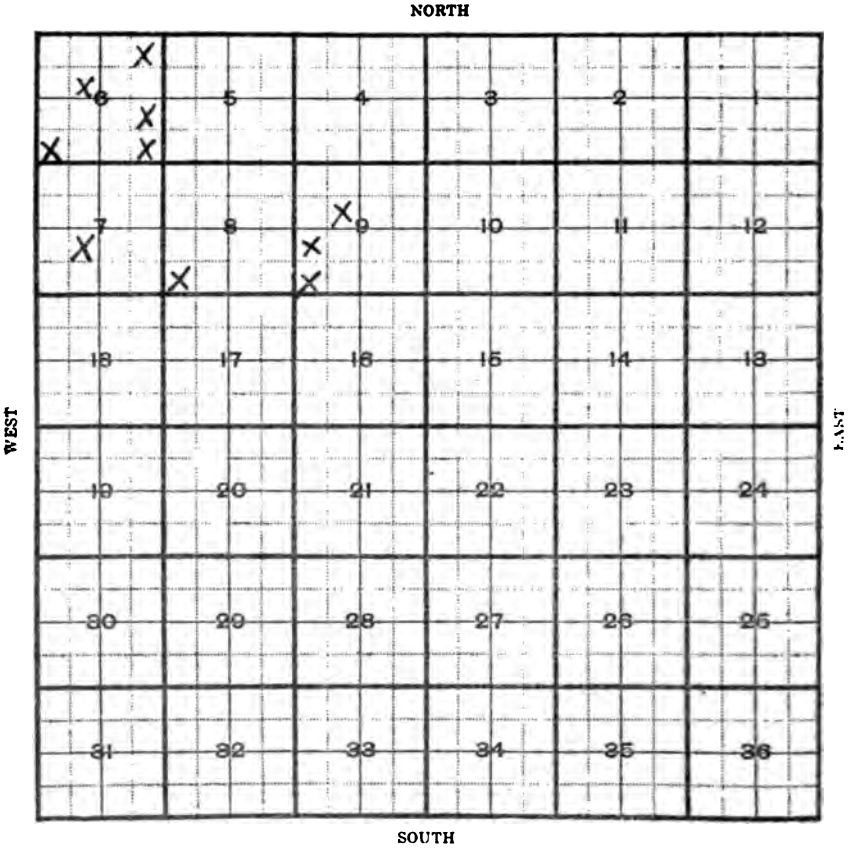
BURCH'S EXHIBIT NO. 17—Continued.

OLE ERICKSON—PLAT A. Township 146, range 37.



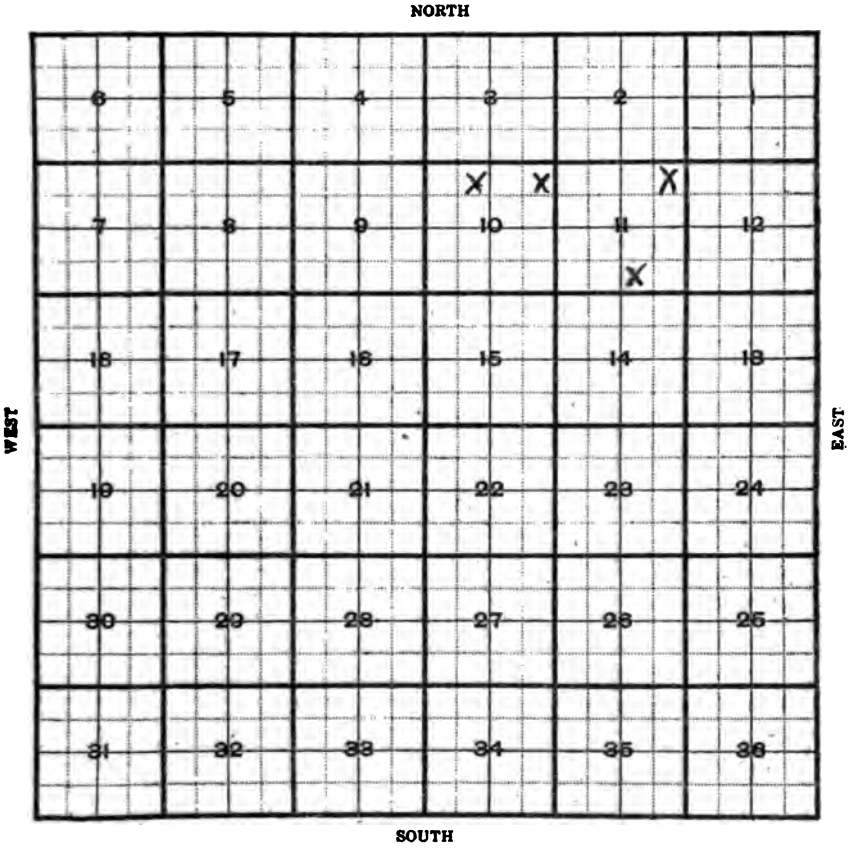
BURCH'S EXHIBIT NO. 17—Continued.

FRED S. BELL—PLAT B. Township 143, range 37.



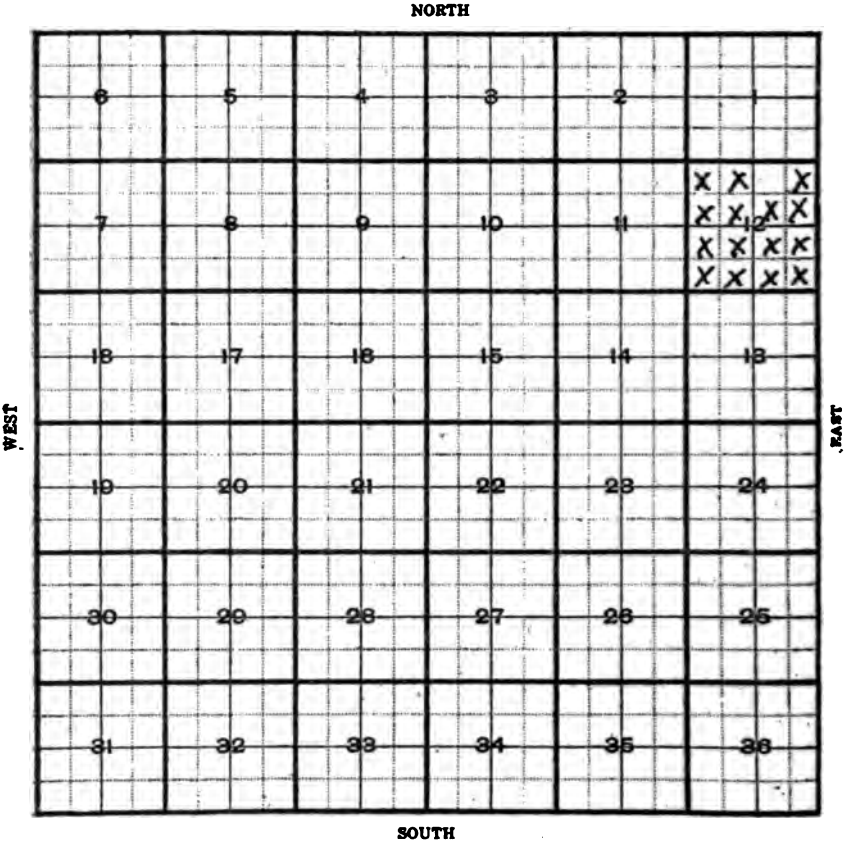
BURCH'S EXHIBIT NO. 17—Continued.

FRED S. BELL—PLAT C. Township 143, range 37.



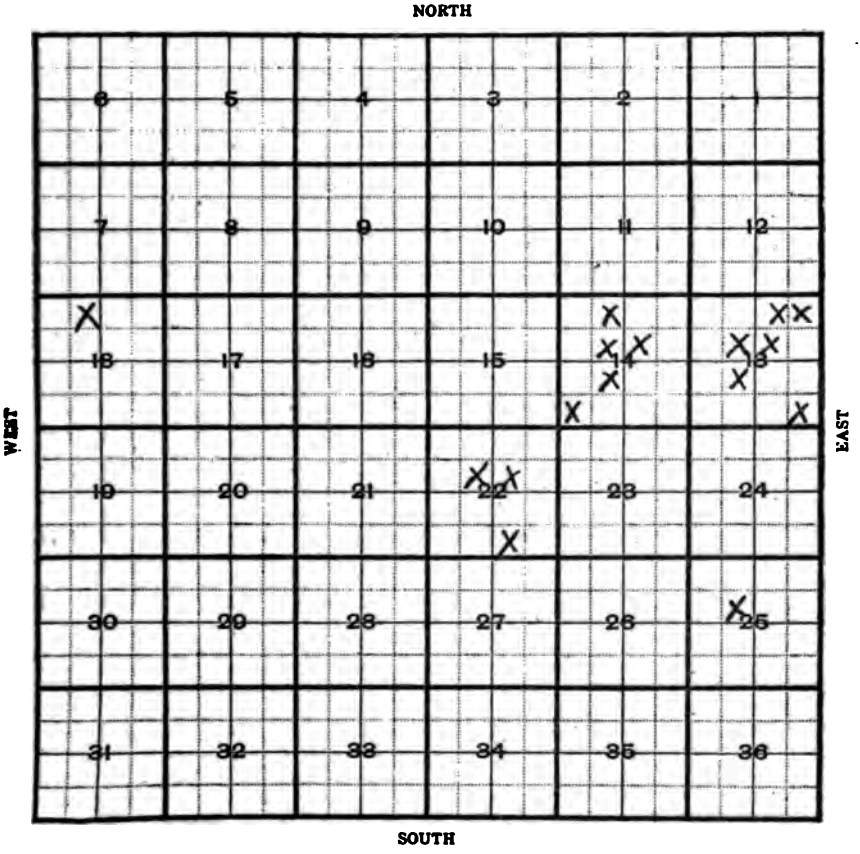
BURCH'S EXHIBIT NO. 17—Continued.

FRED S. BELL—PLAT D. Township 143, range 37.



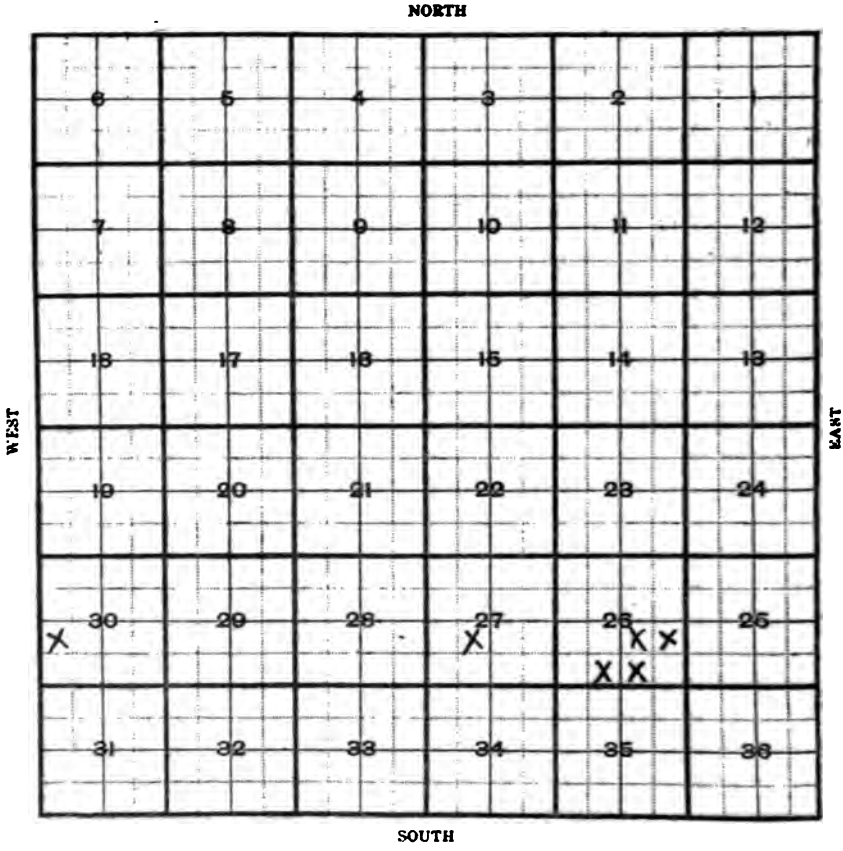
BURCH'S EXHIBIT NO. 17—Continued.

FRED S. BELL—PLAT E. Township 143, range 37.



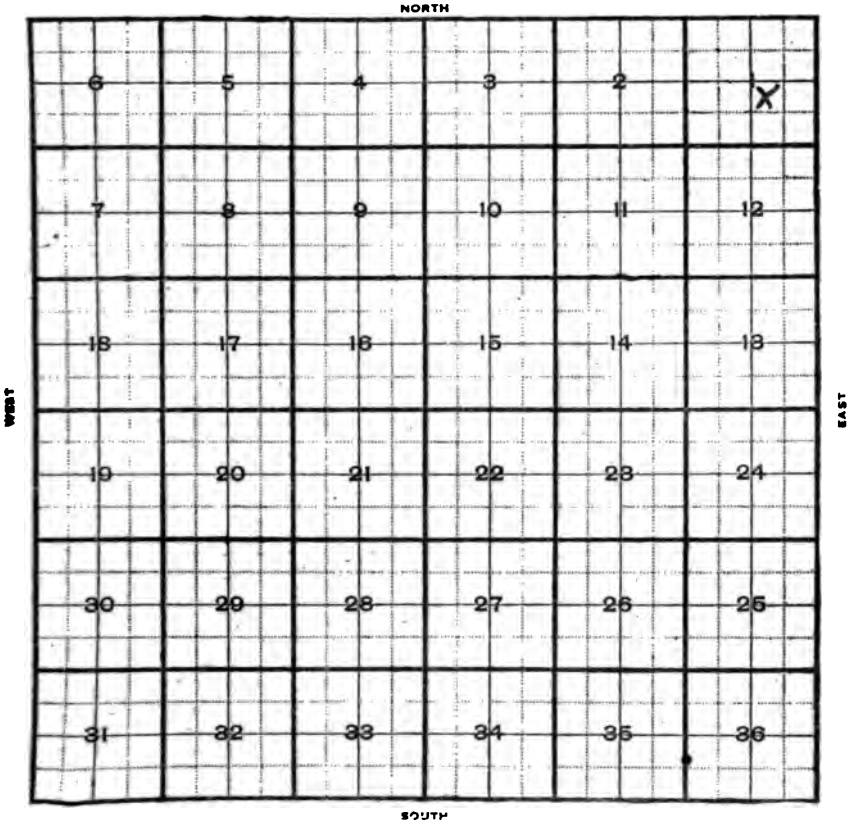
BURCH'S EXHIBIT NO. 17—Continued.

FRED S. BELL—PLAT A. Township 143, range 37.



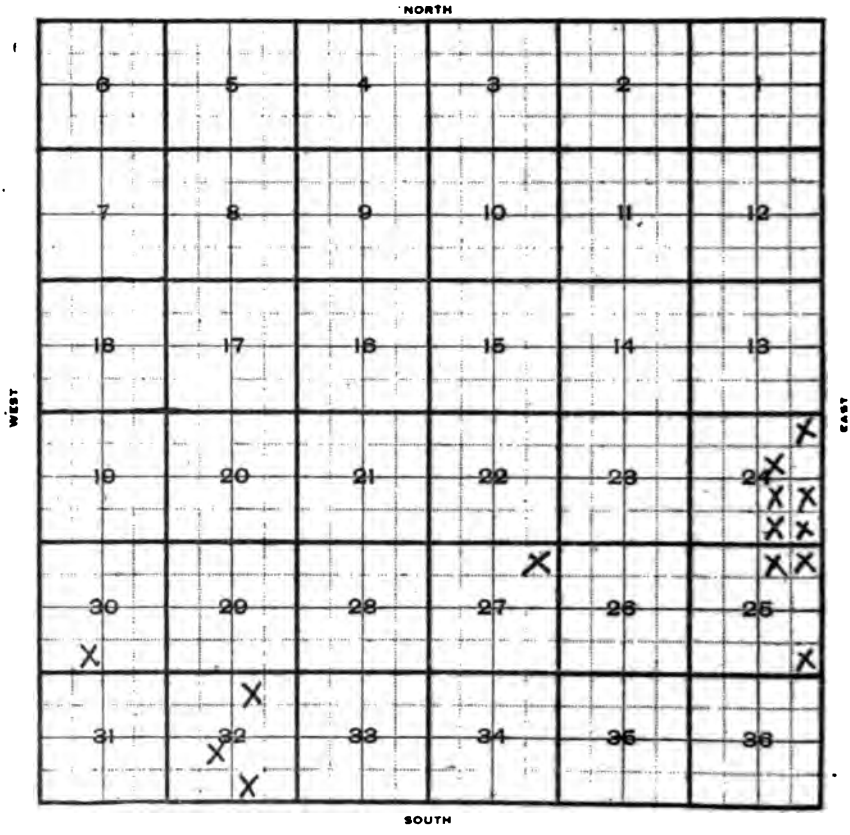
BURCH'S EXHIBIT NO. 17– Continued.

WILLIAM KAISER. Township 143, range 37.



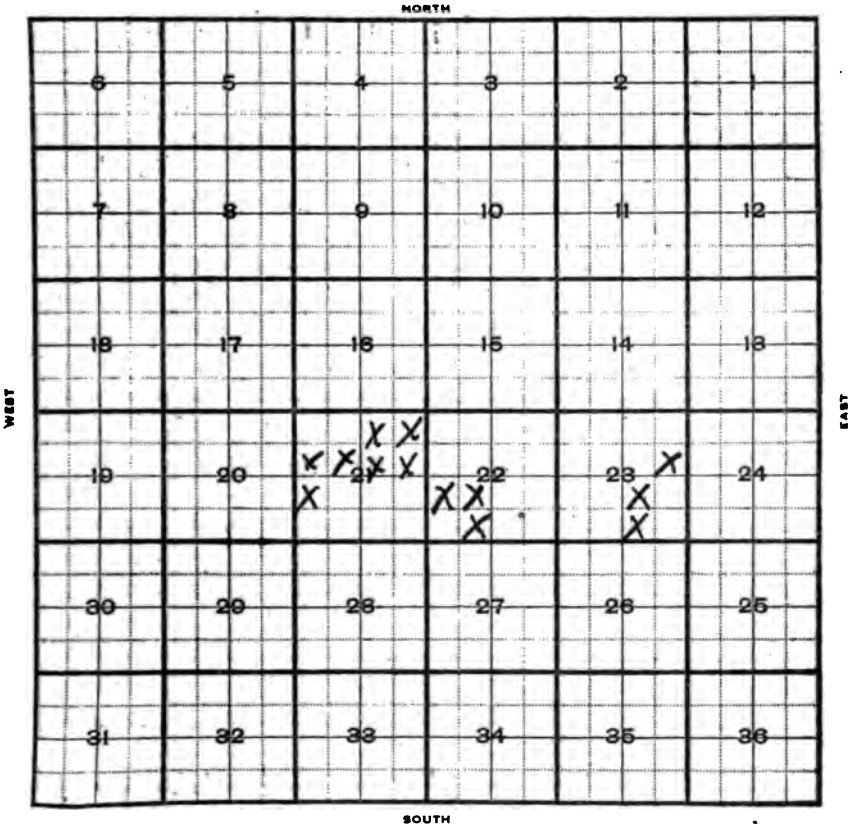
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT A. Township 144, range 37.



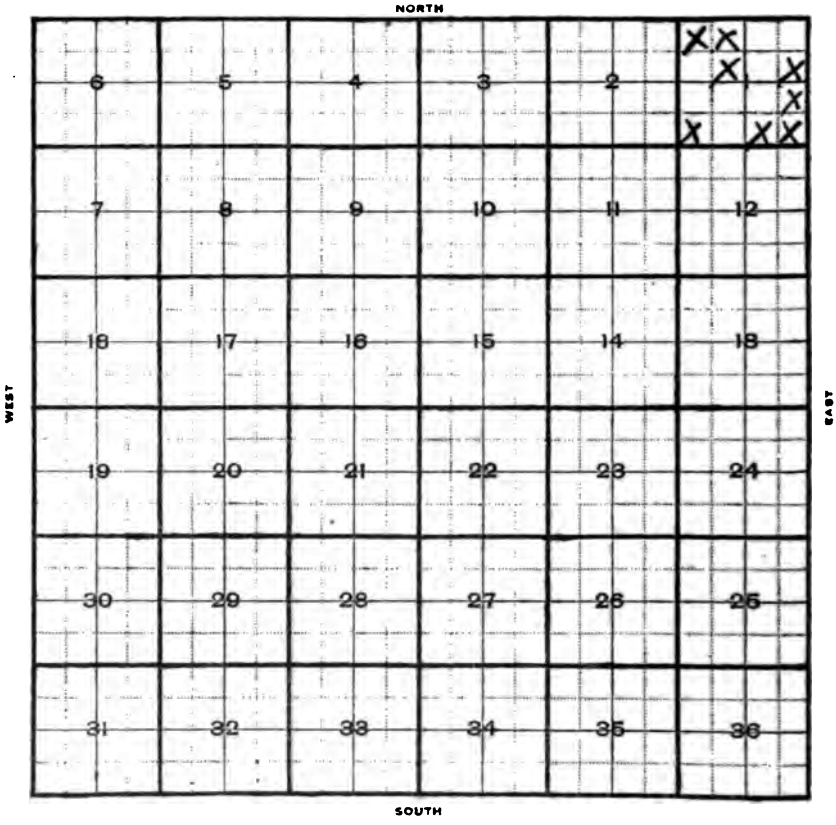
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT B. Township 144, range 37.



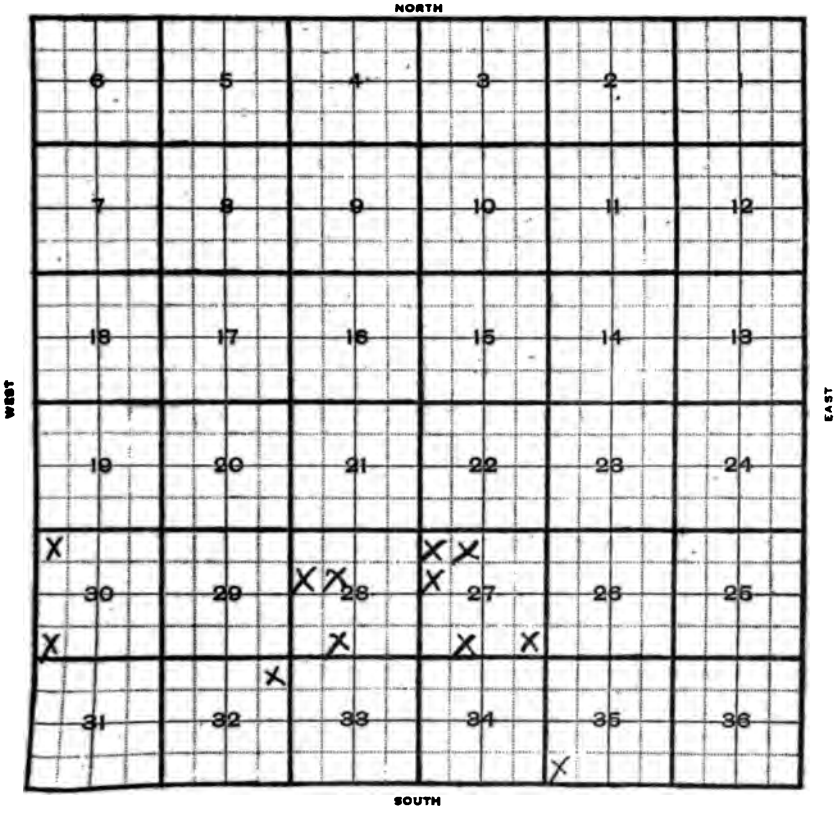
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT C. Township 144, range 37.



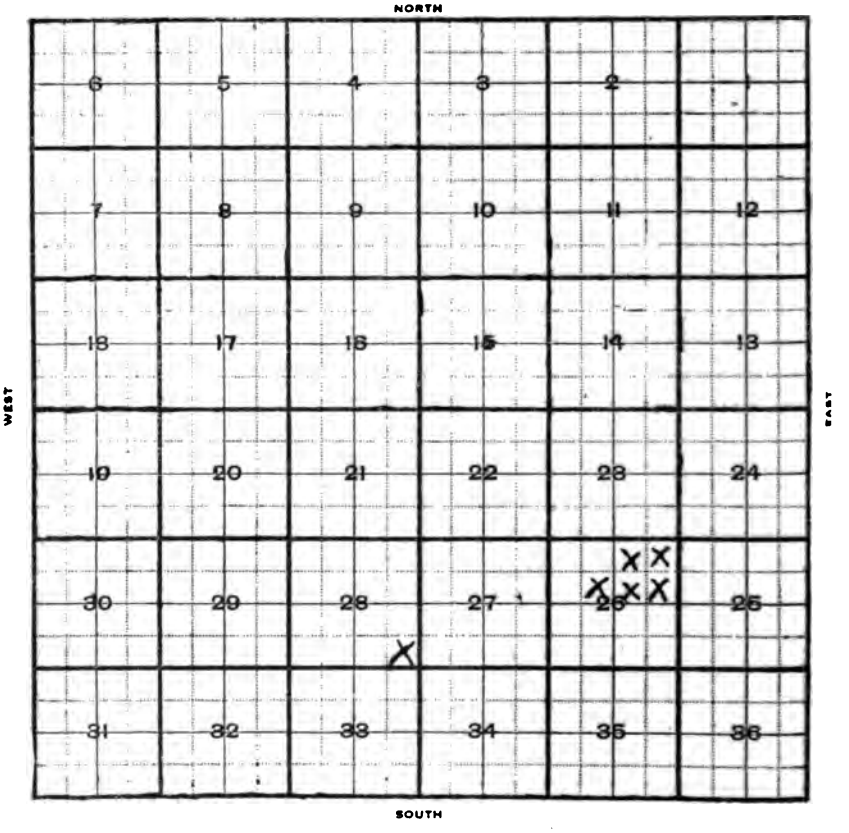
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT D. Township 144, range 37.



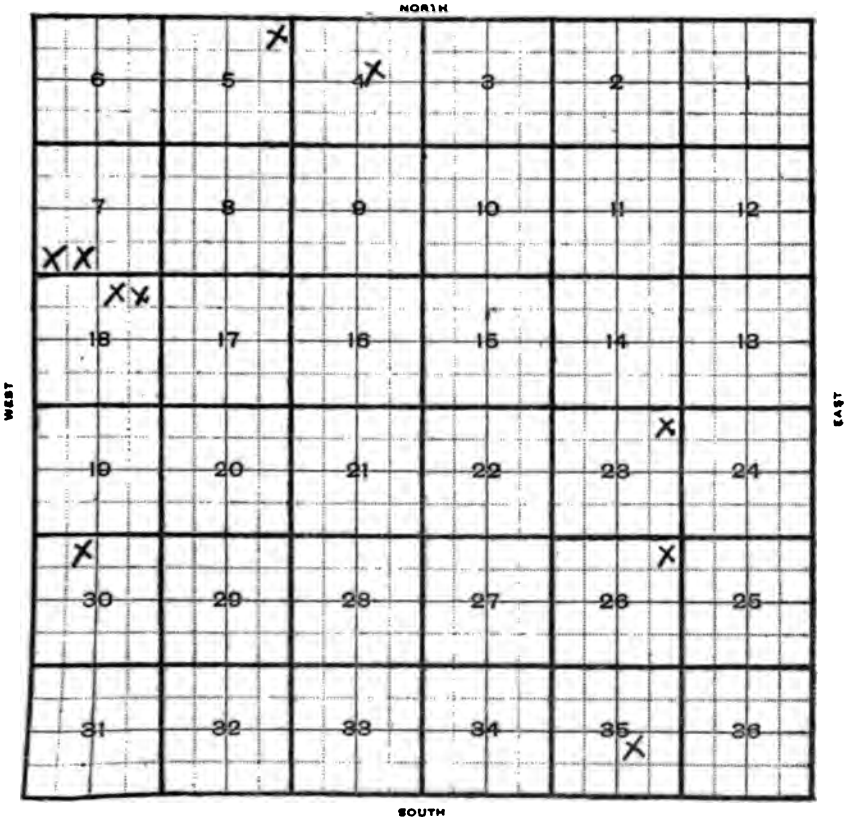
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT E. Township 145, range 37.



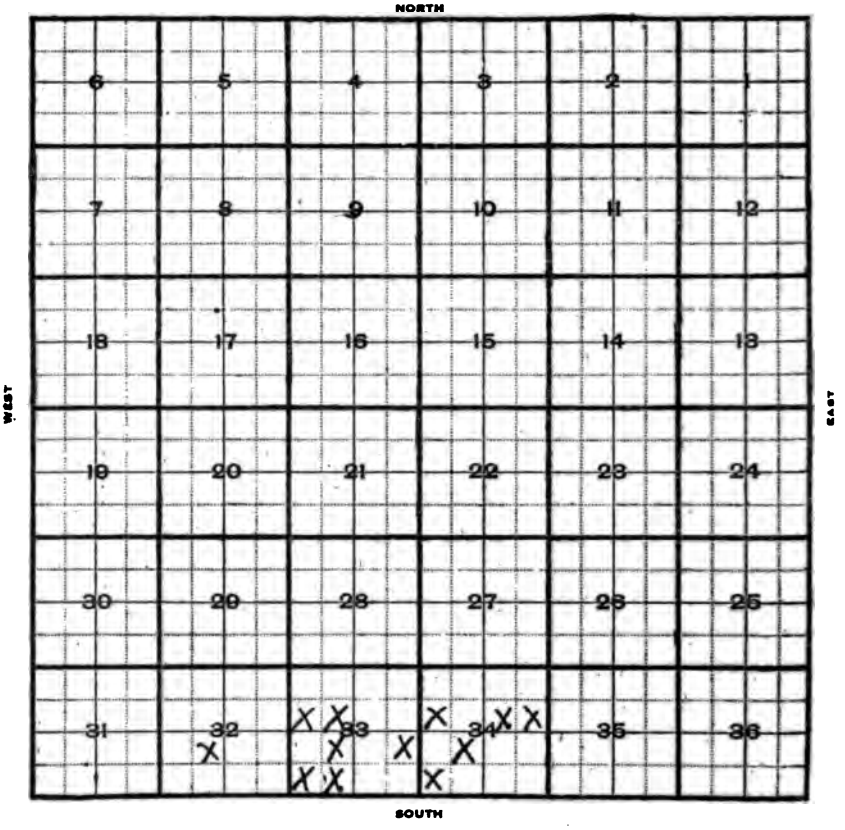
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT F. Township 143, range 37.



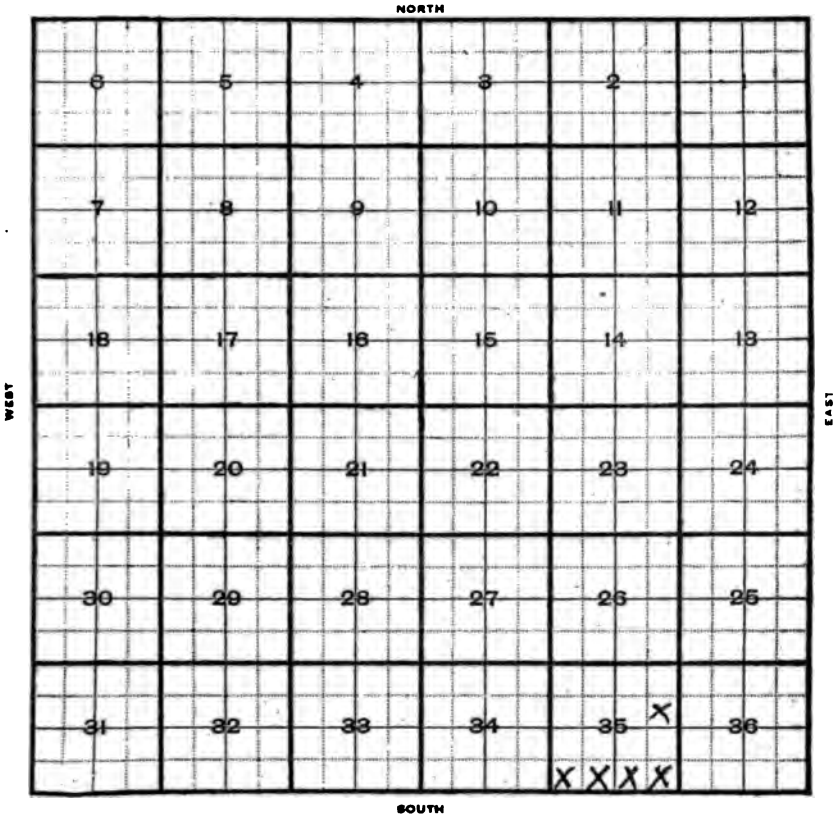
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT G. Township 143, range 37.



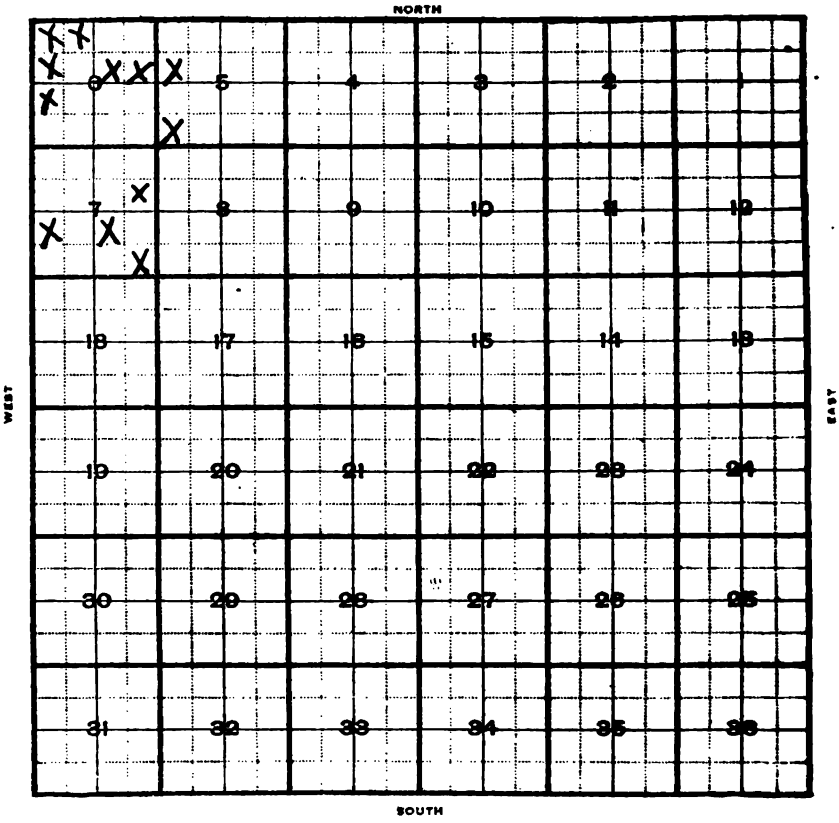
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT H. Township 143, range 37.



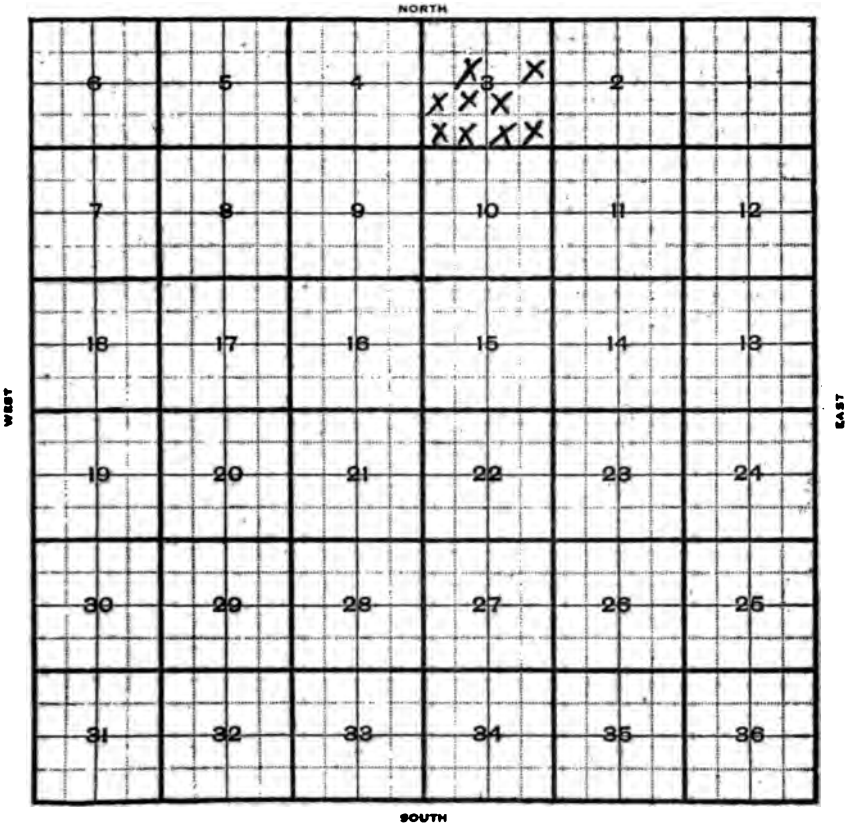
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT I. Township 143, range 27.



BURCH'S EXHIBIT NO. 17—Continued.

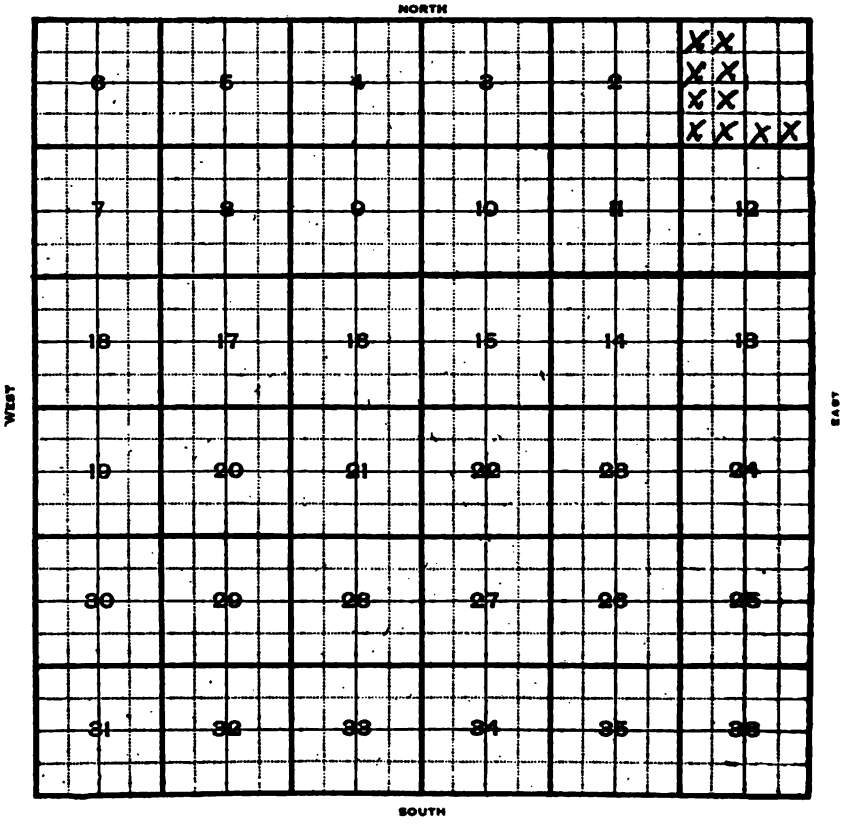
HOVEY C. CLARK—PLAT J. Township 143, range 37.



23191—No. 8—12——11

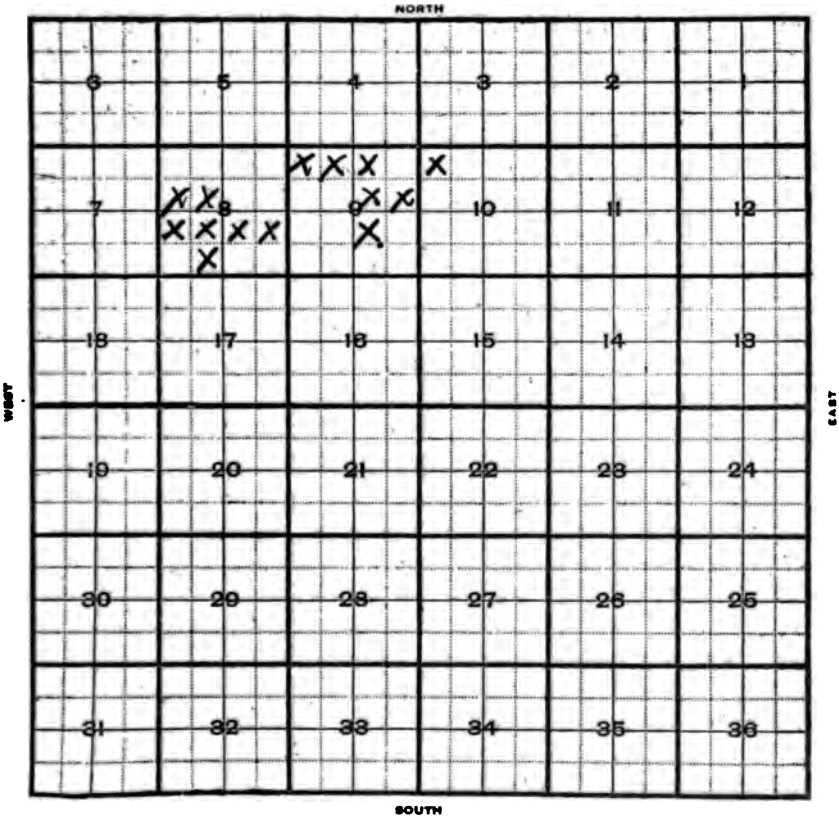
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT K. Township 143, range 37.



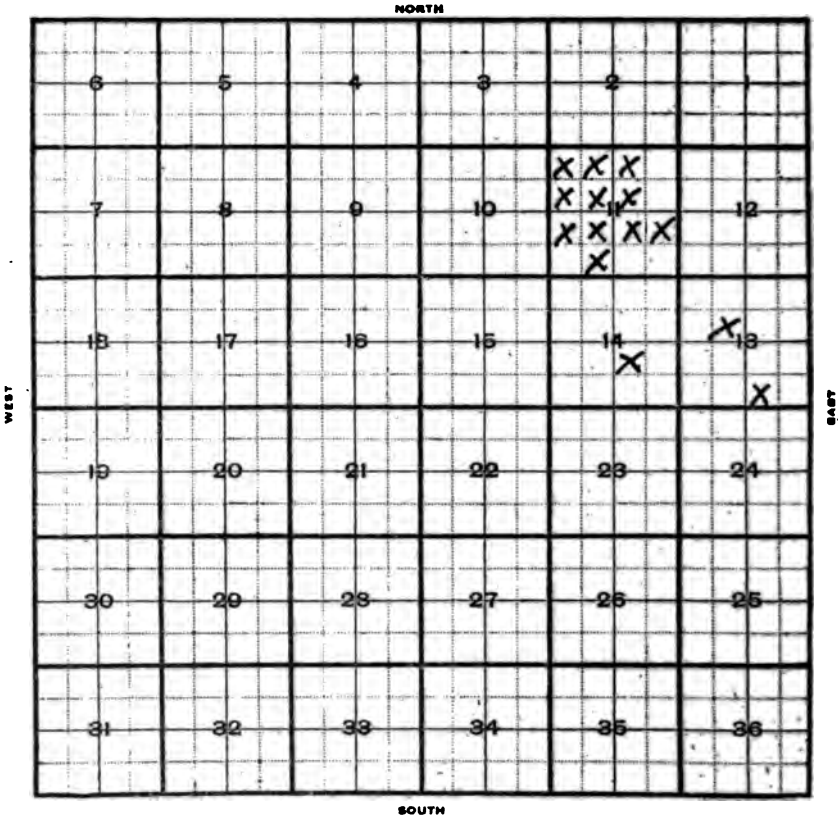
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT L. Township 143, range 37.



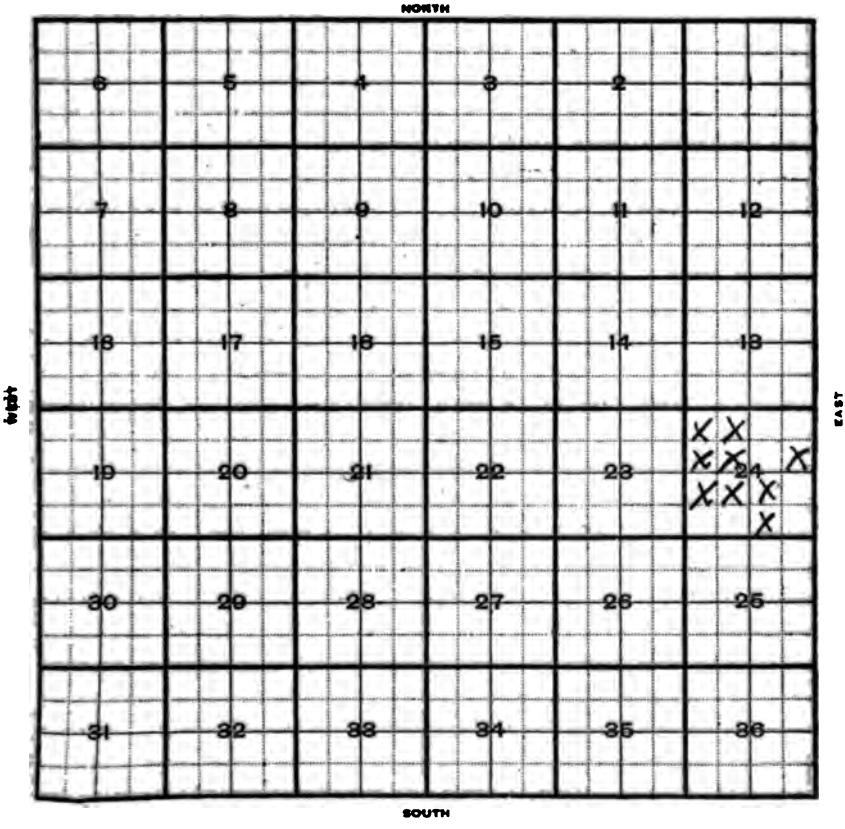
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT M. Township 143, range 37.



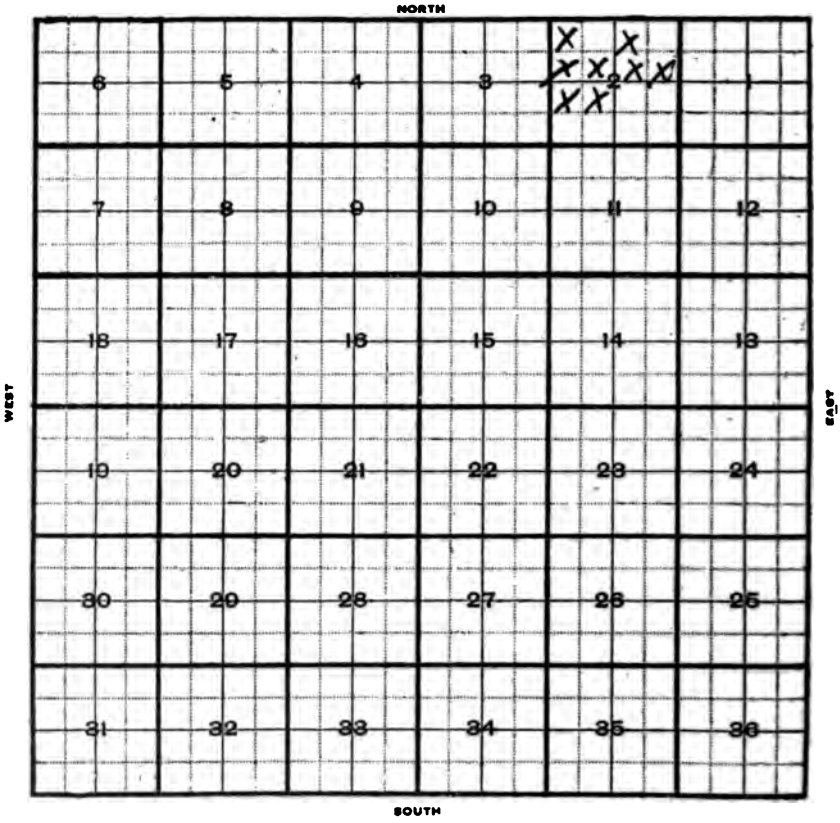
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT N. Township 143, range 37.



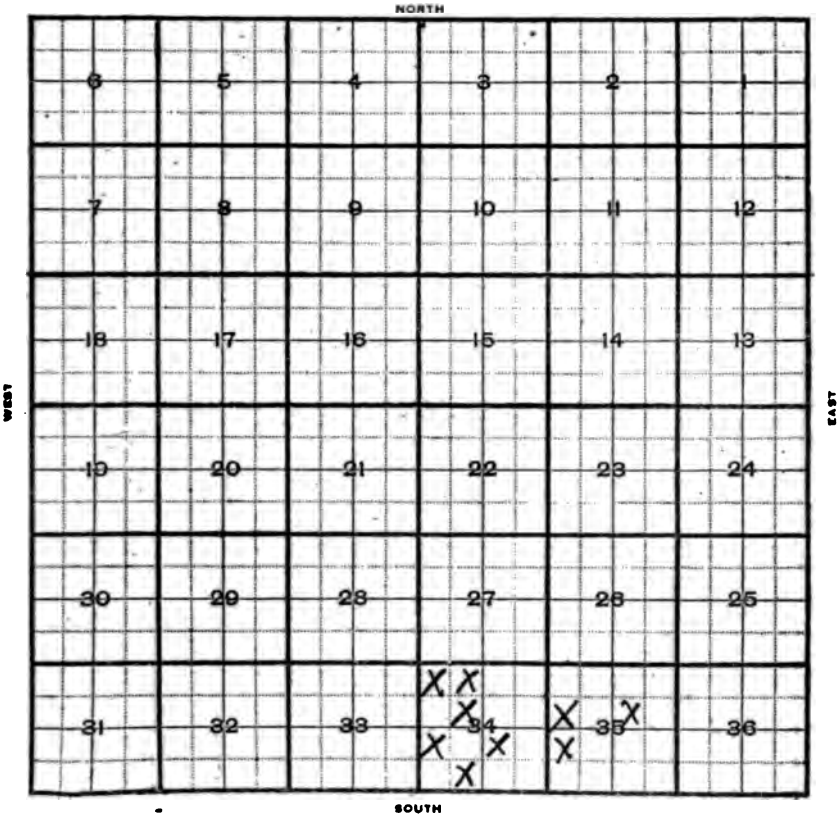
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT O. Township 143, range 37.



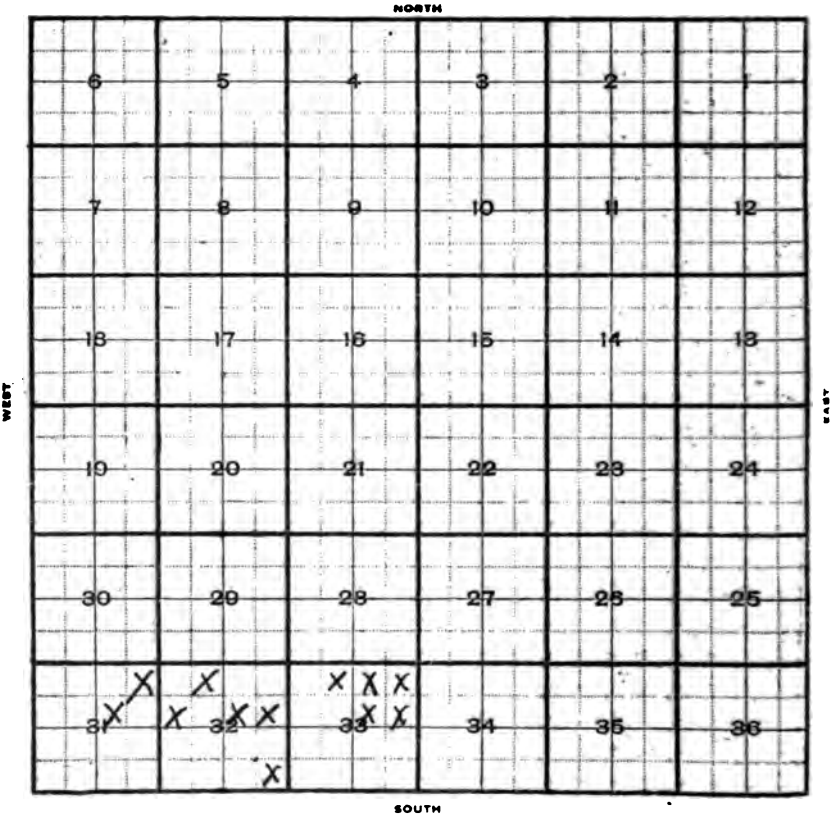
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT P. Township 143, range 37.



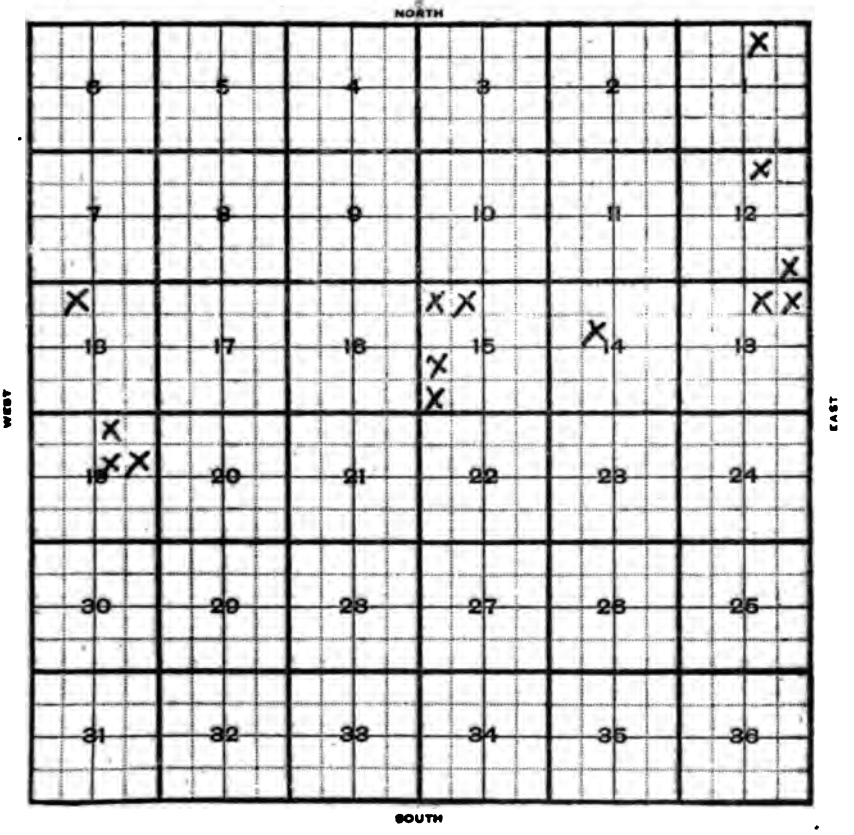
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT Q. Township 143, range 37.



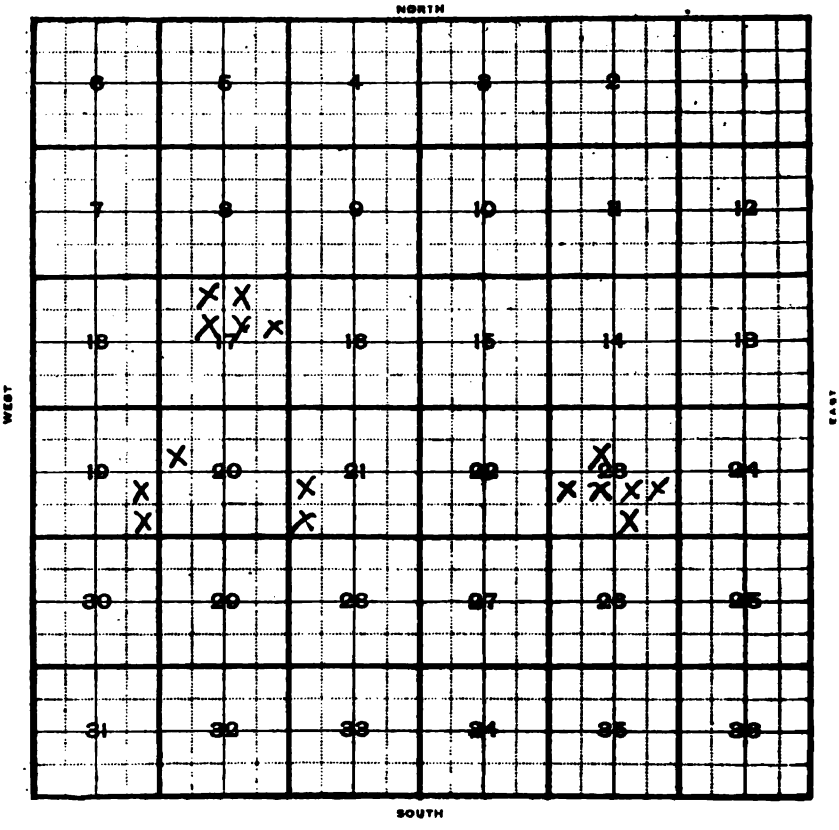
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT R. Township 144, range 37.



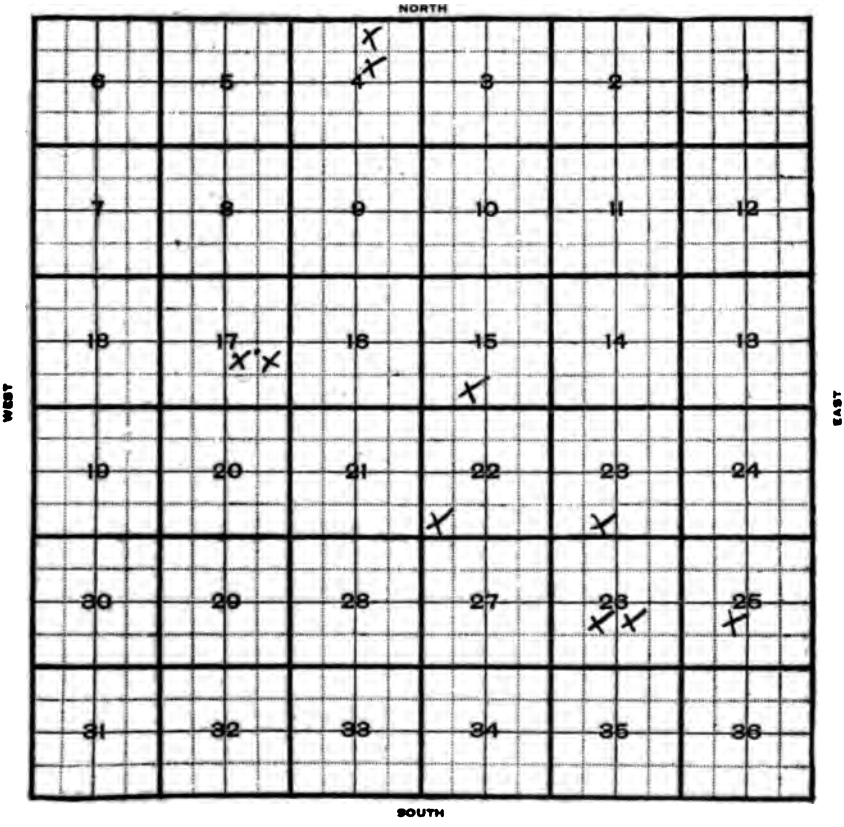
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT S. Township 143, range 37.



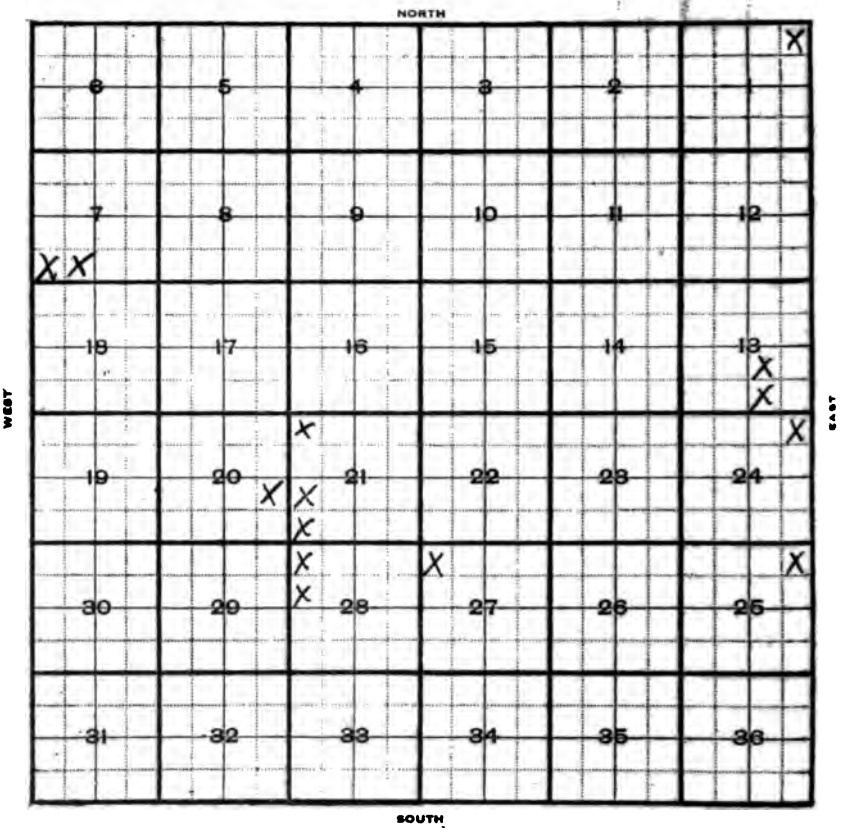
BURCH'S EXHIBIT NO. 17—Continued.

HOVEY C. CLARK—PLAT T. Clearwater County, Minn. Township 144, range 37.



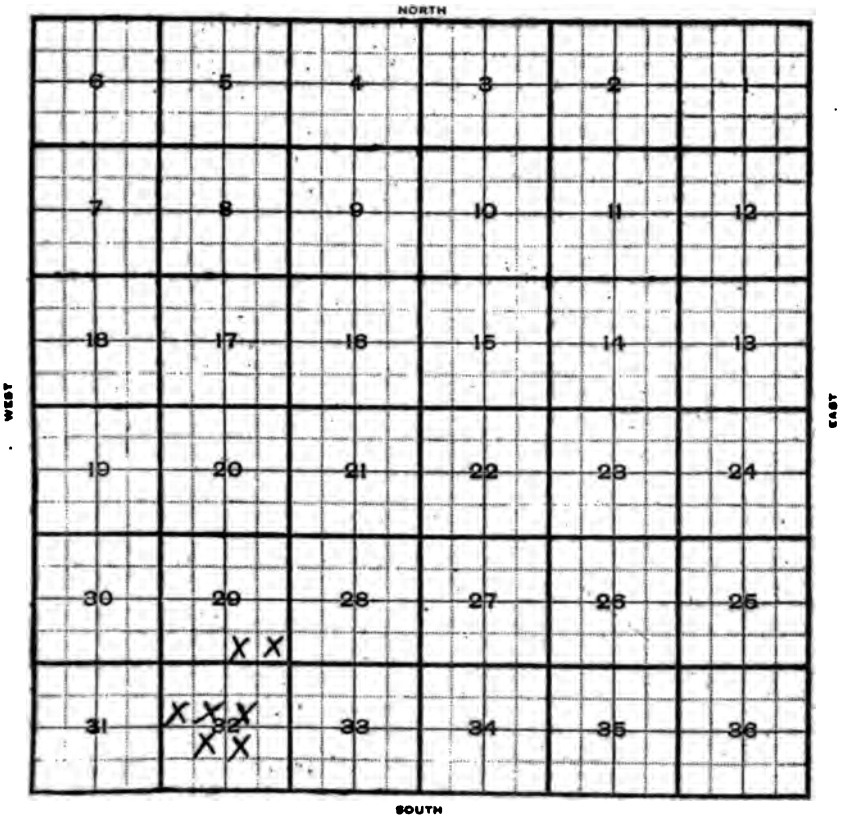
BURCH'S EXHIBIT NO. 17—Continued.

OTIS STAPLES—PLAT A. Township 146, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

OTIS STAPLES—PLAT B. Township 146, range 37.



1. *Patents.*—United States to Otis Staples. Dated May 2, 1903. See backs of Plats A & B.

2. *Quitclaim deed.*—Otis Staples to Hovey C. Clark. Dated Sept. 29, 1904. Filed Dec. 4, 1905. Deeds bk. 5, p. 64. Cons. $6,000. Conveys NE. of NE. 1, W.^{2} of SE. 13, NE. of NE. 25, 146, 37.

3. *Mortgage.*—Nichols Chisolm Lumber Co., Hovey C. Clark & wife, Thomas H. Shevlin & wife to Minneapolis Trust Co. Dated July 10, 1909. Filed July 17, 1909. Mtg. bk. 18, p. 259. Cons. $1,500,000. Conveys lands in abs. 2 and other.

Nov. 2, 1911.

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1. *Patents.*—United States to Almond A. White. Dated July 5, 1902. Filed Aug. 15, 1905. Deeds bk. 5, p. 350. Conveys plats B & C hereto attached.

2. *Receipt for timber sold.*—Almond A. White & wife to Ole Erickson. Dated Nov. 5, 1902. Filed Jan. 13, 1903. Bk. A Misc., page 6. Cons. $406. Covers timber on NE. of SW., SW. of NW. 1, 146, 37.

3. *Receipt for timber sold.*—Almond A. White to Ole Erickson. Dated Nov. 5, 1902. Filed Jan. 13, 1903. Misc. A, p. 7. Cons. $392. Covers timber on NE. of NE., SE. of NE. 2, NE. of NE. 10, 146, 37.

4. *Warranty deed.*—Almond A. White & wife to A. A. White Townsite Co. Dated Nov. 7, 1904. Filed Nov. 15, 1904. Deeds bk. 10, p. 18. Cons. $1.00 & other. Conveys plats B & C hereto attached.

5. *Warranty deed.*—A. A. White Townsite Co. to Thomas Moen. Dated Dec. 29, 1904. Filed Jan. 12, 1905. Deeds bk. 3, p. 313. Cons. $320. Conveys SE. of SE. 24, SE. of NE. 25, 146, 37.

6. *Warranty deed.*—Thomas Moen to Ole T. Davids. Dated June 11, 1908. Filed July 11, 1908. Deeds bk. 15, p. 15. Cons. $1.00 & other. Covers SE. of SE. 24, 146, 37.

7. *Warranty deed.*—Ole T. Davids & wife to Wallace E. Hays. Dated June 3, 1908. Filed June 19, 1908. Deeds bk. 15, p. 1. Cons. $345. Covers SE. of SE. 24, 146, 37.

8. *Warranty deed.*—A. A. White Townsite Co. to Ole Erickson. Dated Oct. 31, 1908. Filed April 14, 1909. Deeds bk. 15, p. 532. Cons. $480. Covers SW. of SE., NE. of SW., SW. of NW. 1, 146, 37.

9. *Mortgage.*—Ole Erickson & Karen Erickson, wife, to First Nat'l Bank of Crookston. Dated April 8, 1909. Filed April 14, 1909. Mtg. bk. 17, p. 3. Cons. $3,500. Conveys lands in section 1, on plat C, hereto attached & other.

10. *Warranty deed.*—Ole Erickson & wife to Edward Bergh. Dated Feb. 23, 1910. Filed Feb. 23, 1910. Deeds bk. 15, p. 485. Cons. $800. Covers lands in section 1, on plat C, hereto attached & other.

11. *Warranty deed.*—Edward Bergh & wife to Karen Eriksen. Dated Nov. 16, 1910. Filed May 8, 1911. Deeds bk. 21, p. 345. Cons. $800. Conveys lands in sec. 1, of plat C, hereto attached and other.

12. *Sheriff's certificate, execution sale.*—Sheriff Clearwater County to Mistawaka Woolen Mfg. Co. Dated April 1, 1911. Filed April 1, 1911. Deeds bk. 18, p. 562. Cons. $431.34. Conveys SW. ¼ of sec. 1, S. ½ of NW. sec. 1, S. ½ of SW. sec. 1, lots 3 & 4, sec. 1; 146, 37.

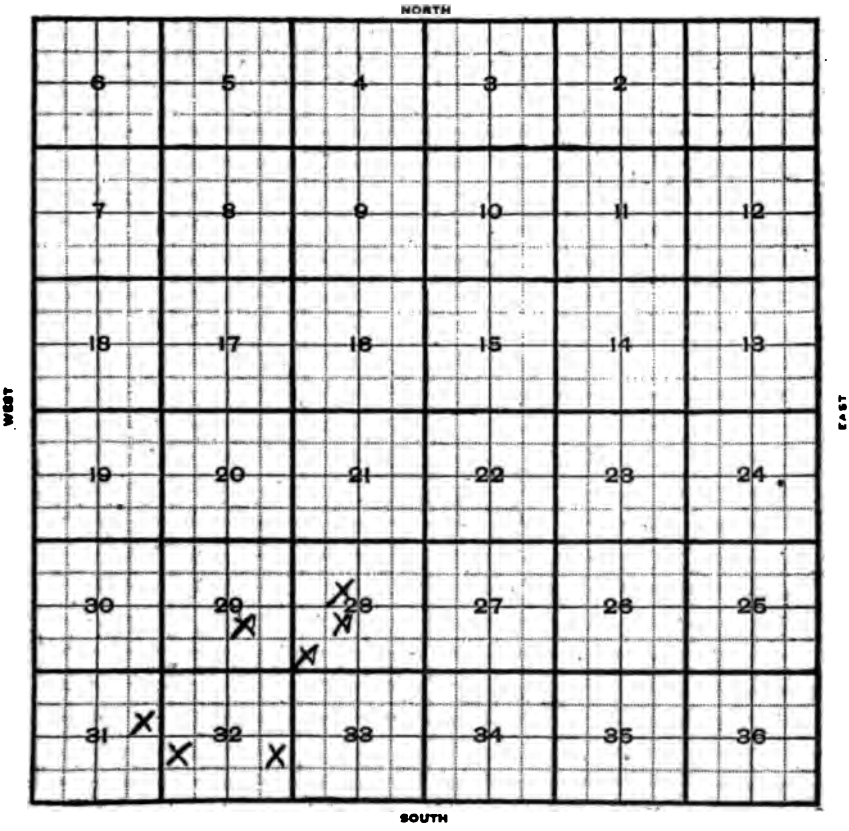
13. *Warranty deed.*—Karen Erikson & husband to Clearwater Co. State Bank. Dated May 9, 1911. Filed May 9, 1911. Deeds bk. 21, p. 347. Cons. $1.00 & other. Conveys SW. ¼, W. ½ of SE., 1, 146, 37.

14. *Notice lis pendens.*—District court, 15 dist., State of Minnesota. Trustee of Ole Erikson, bankrupt, *vs.* Ole Erikson, Karen Eriksen, Clearwater Co. State Bank. Dated Oct. 3, 1911. Filed Oct. 4, 1911. Misc. D., p. 626. Gives notice of suit to establish ownership of lands in sec. 1, on plat C, hereto attached and other.

Nov. 3, 1911.

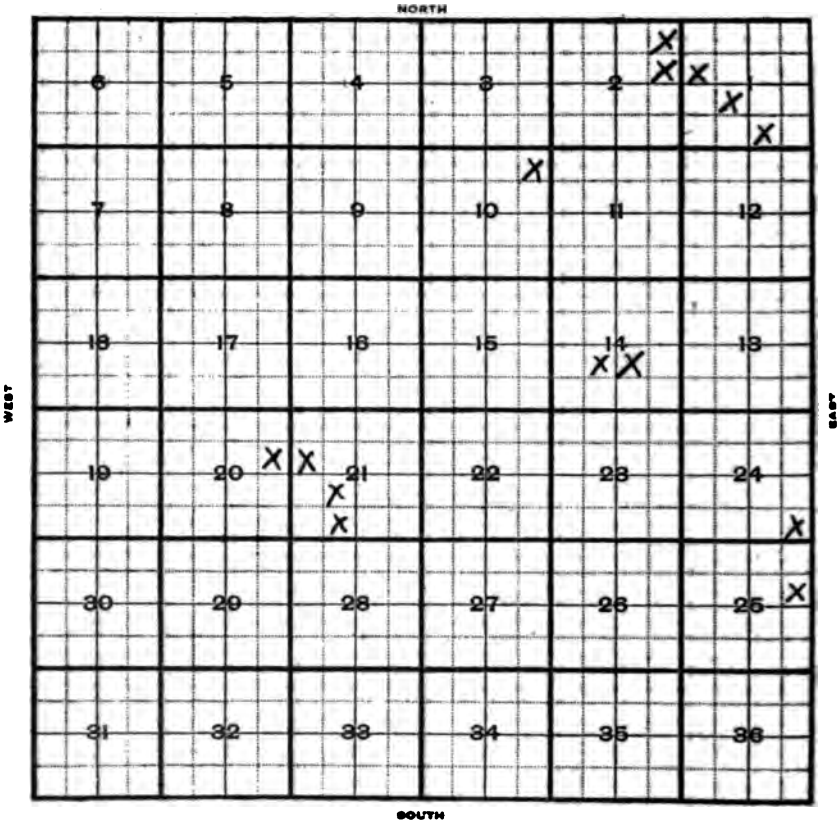
BURCH'S EXHIBIT NO. 17--Continued.

ALMOND A. WHITE—PLAT B. Township 146, range 37.



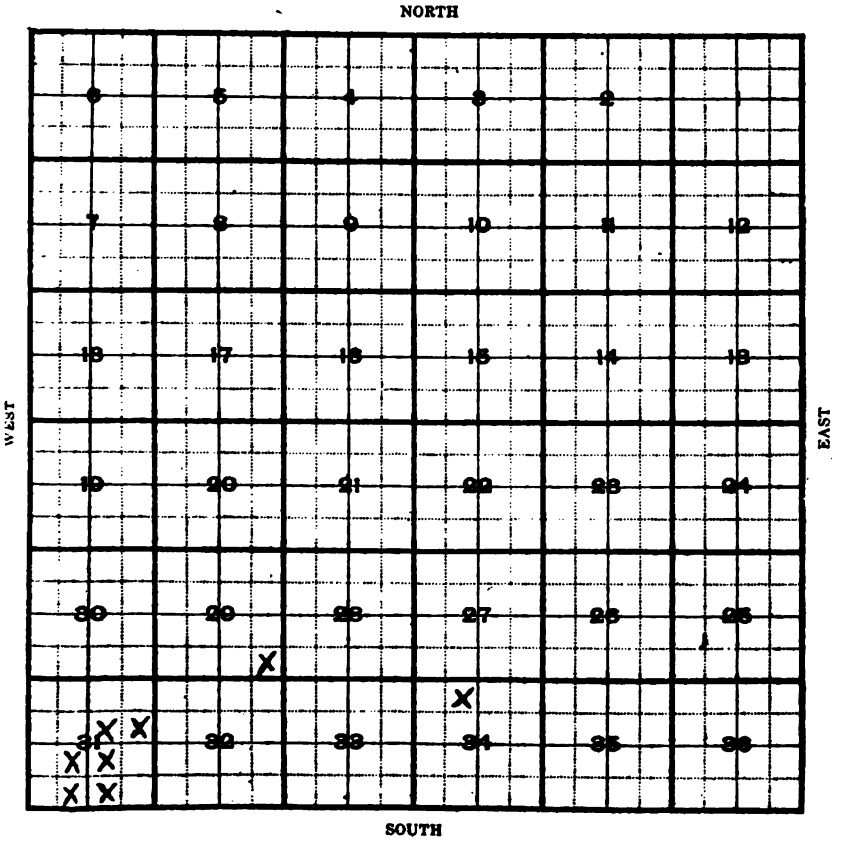
BURCH'S EXHIBIT NO. 17—Continued.

ALMOND A. WHITE—PLAT C. Township 146, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

RICHARD H. CHUTE—PLAT A. Township 144, range 37.



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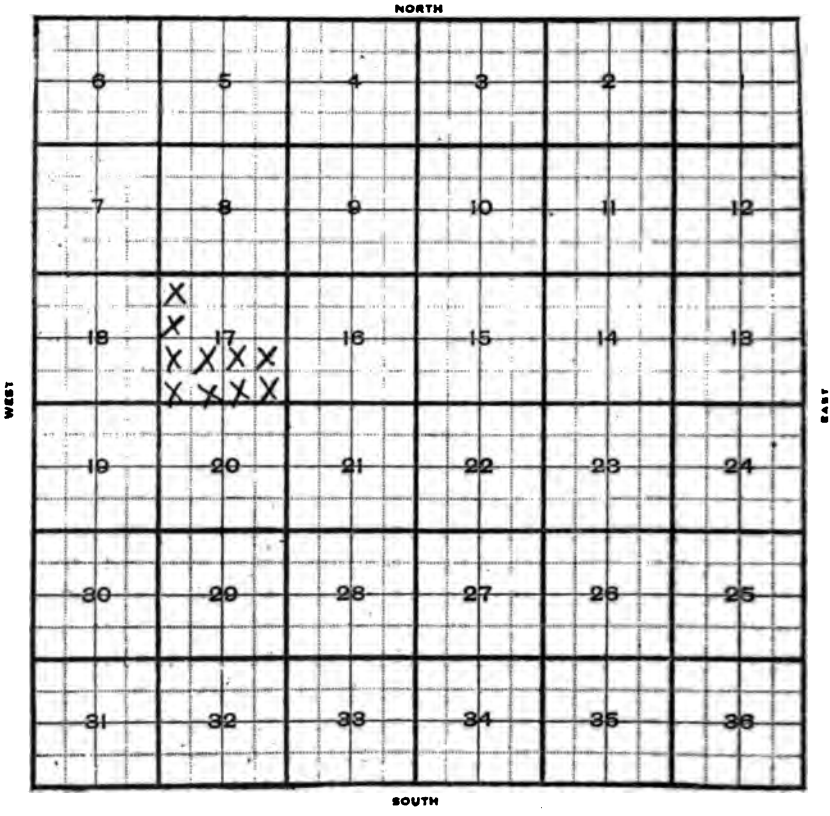
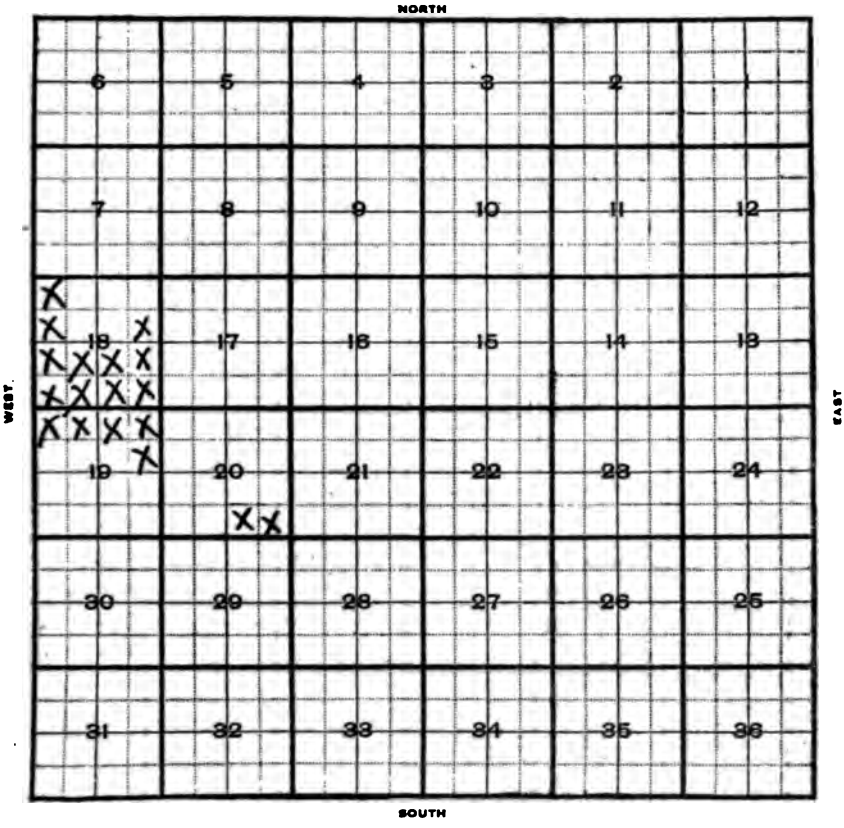
BURCH'S EXHIBIT NO. 17—Continued.

CHARLES S. GILBERT—PLAT A. Township 143, range 37.



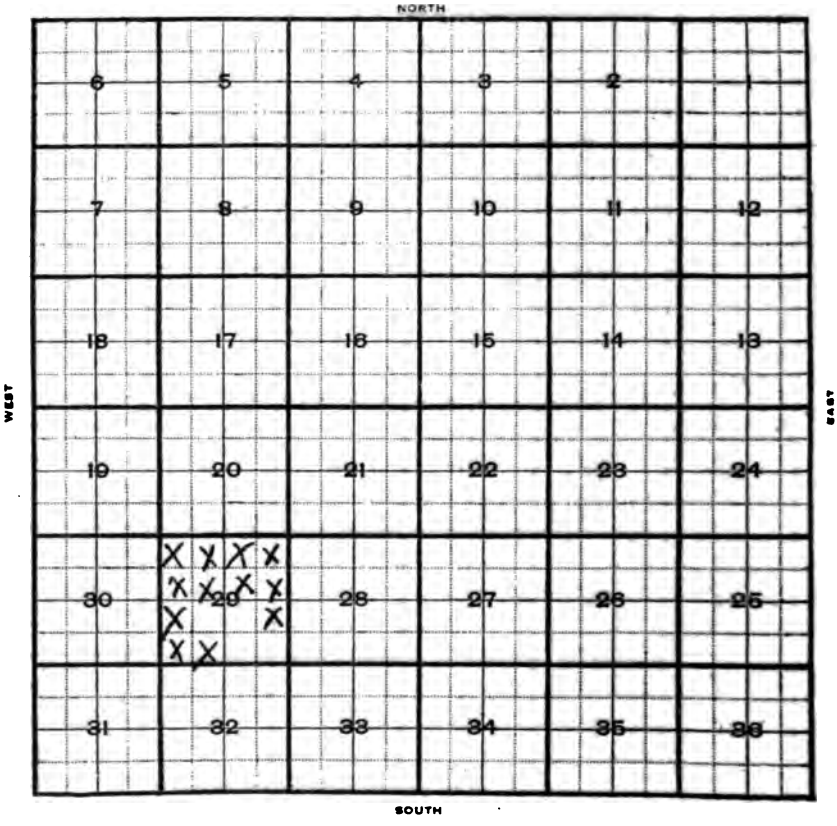
BURCH'S EXHIBIT NO. 17—Continued.

CHARLES S. GILBERT—PLAT B. Township 143, range 37.



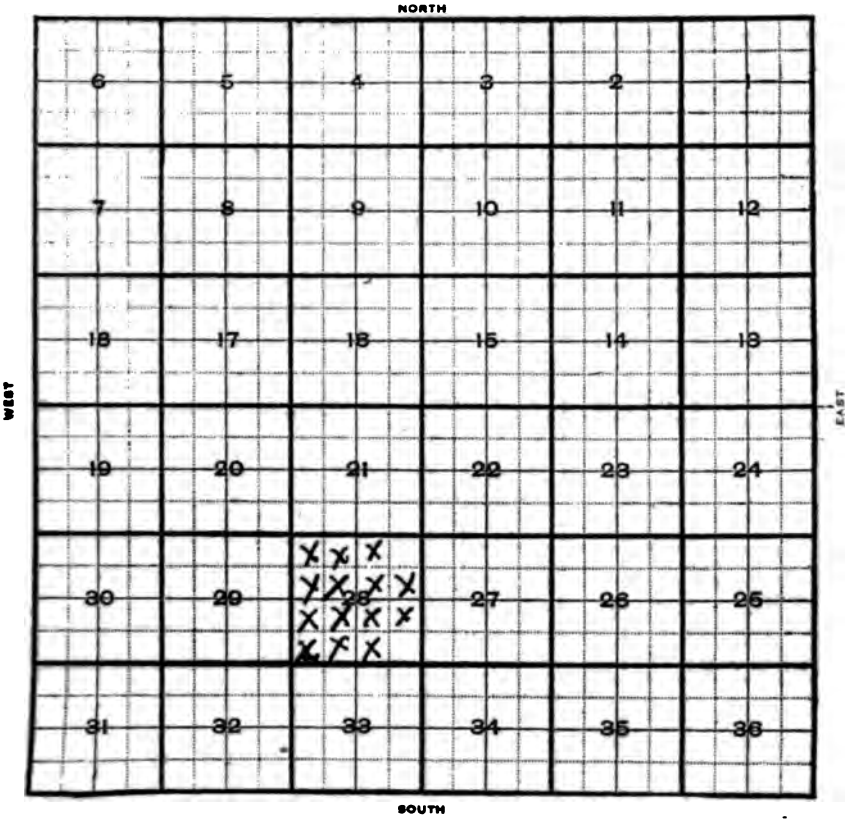
BURCH'S EXHIBIT NO. 17—Continued.

CHARLES S. GILBERT—PLAT C. Township 143, range 37.



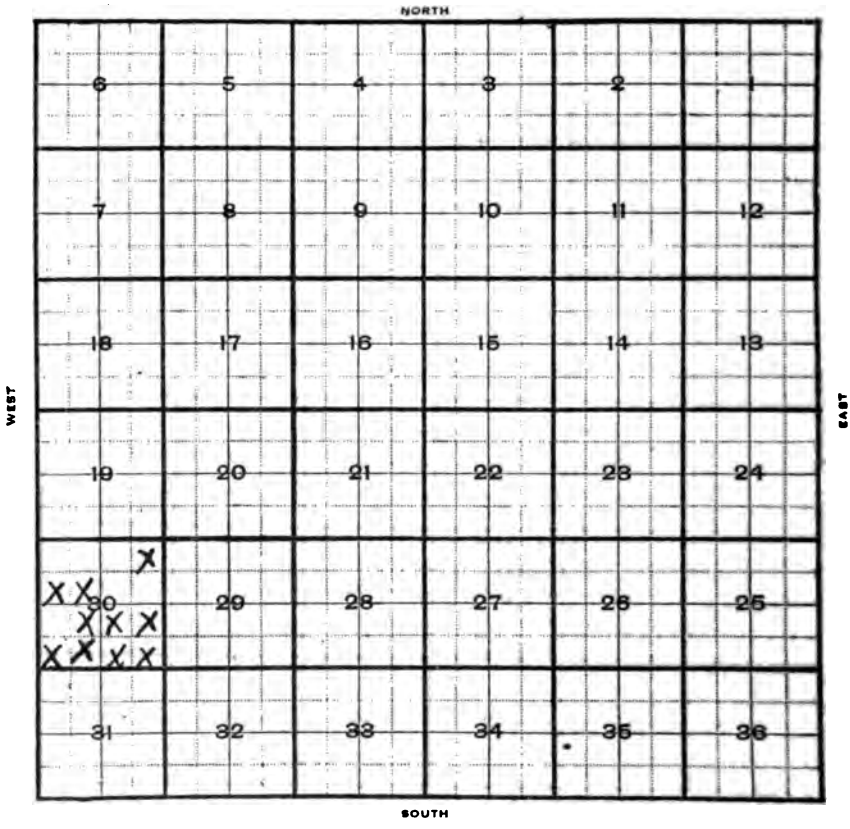
BURCH'S EXHIBIT NO. 17—Continued.

CHARLES S. GILBERT—PLAT D. Township 143, range 37.



BURCH'S EXHIBIT NO. 17—Continued.

CHARLES S. GILBERT—PLAT E. Township 143, range 37.



By JOHN W. CARL:

Q. Are those abstracts certified to by the register of deeds of Clearwater County?

Mr. GRAHAM. Mr. Witness, will you answer the gentleman's question?

A. They are not.

Mr. GRAHAM. Let me ask you, Mr. Carl, is there any statutory requirement in this State compelling the certification by that officer to an abstract?

A. Only this, that in all the papers that are presented of that kind to courts it is always necessary to have the certificate of the register of deeds of the county in which the property is located.

Mr. BURCH. Is there a statute to that effect, or mere custom?

A. I don't know. I think it is a mere custom.

Mr. GRAHAM. Even if there were a statute, we would not be bound by it now. The way it strikes me, the only question before us is, does the testimony of the witness show that these abstracts are correct? If it does, we will receive them in evidence.

Mr. BURCH. I asked that question, did I not?

Mr. GRAHAM. You did, but some of the witness's answers indicated that he had not personal knowledge of all that.

Q. Mr. Smith assisted you in the making of them?—A. Yes, sir.

Q. As to the work he did, have you personal knowledge?—A. Yes, sir.

Q. Basing your answer on your own knowledge, can you say that to the best of your judgment these abstracts are correct?—A. Yes, sir.

Q. What experience have you had in abstract making, Mr. Seekell, apart from your experience as a lawyer? Have you had any?—A. I have worked in that sort of work most of the time ever since I was admitted.

Mr. GRAHAM. They are admitted.

Mr. BURCH. I now offer for your attention a map or chart. Have you seen this before?

A. Yes, sir.

Q. Have you compared it with plats or charts that you made at the time you made the abstracts?—A. I have.

Q. Did you find this correct, substantially?—A. I did.

Q. What is this a chart of?—A. It is a chart of the four townships of Clearwater County taken from the reservation.

Q. What do the colors or marks upon this chart indicate?—A. They indicate the present state of the record title of the lands in those four townships covering timbered lands.

Q. What do they show as to the ownership? What ownership is indicated by them?—A. The subdivisions marked in red indicate those parts of these townships which finally, as shown by our abstracts, were deeded to the Nichols-Chisolm Lumber Co.

Q. What do those with marks indicate?—A. They indicate portions which were acquired by the Wild Rice Lumber Co.

Q. That is, the cross marks?—A. Yes.

Q. And the two contain the land substantially that was sold at this Crookston sale, or at least patented by reason of this Crookston sale?—A. Yes, sir.

Mr. BURCH. Now, gentlemen of the committee, I have shown you about the bidding that took place at the Crookston land office; I show you what came out in the wash.

Mr. GRAHAM. With reference to two only of the purchasing companies.

Mr. BURCH. Oh, no.

Mr. GRAHAM. The red and the "X" mark represent the Nichols-Chisolm Co. and the Wild Rice Co.?

Mr. BURCH. Now, what we claim that that indicates is that the lands purchased by these numerous individuals, or many of them, at the Crookston sale found their way into the hands of the Nichols-Chisolm Lumber Co. and the Wild Rice Lumber Co., as indicated there.

Mr. GRAHAM. The plat that you have just offered, marked "Exhibit No. 18," shows that township 143, being the south township on the map, is colored almost entirely red, which means that the Nichols-Chisolm Lumber Co. got all that which is marked red?

Mr. BURCH. Yes, sir.

Mr. GRAHAM. The township north of that has a good deal of land marked red and about an equal amount marked with a cross or an "X" in each section. That would indicate that the same company got all that is marked red and the Wild Rice Co. got the land marked with an "X"? Only a little more than half of it is marked either of those ways. What of the sections that are not marked or indicated at all—that are plain white on the plat?

Mr. BURCH. Well, I am not a witness, but I will say that we can show, I think, that some of them were agricultural lands and others were gotten by the Thief River Falls Lumber Co., but not a large part. Some of the timberlands were gotten by the Thief River Falls Lumber Co. and some of them were agricultural lands.

Mr. GRAHAM. The evidence you have already offered gave the names of quite a few other purchasers.

Mr. BURCH. Yes.

Mr. GRAHAM. Now, are we to understand from this plat that the lands purchased by those other parties were not purchased for them but for these two companies which appear on the map?

Mr. BURCH. We claim that that is fairly demonstrated in part. We can not say altogether. For instance, we expect to show that Mr. Hovey Clark was of the general interest of Shevlin & Clark that eventuated in the Nichols-Chisolm Lumber Co., and that they had at that time a probable community purpose in buying; and that as to this other company, the Wild Rice Lumber Co., what we claim is, in substance, that these lines are clearly distinguished, as if the parties had expressly divided them between timberlands obtained by the Wild Rice Lumber Co. and timberlands ultimately obtained by the Nichols-Chisolm Lumber Co.; and that the indications are, from these abstracts, that the charges made by the special inspector of the Secretary of the Interior are correct—that there was a combine and that these bidders, many of them, were acting in violation of this statute for these companies in taking up this land—that is, for the interests that eventuated in these companies, or the companies themselves. The Nichols-Chisolm Lumber Co. was not then in existence, I think, at the time of this Crookston sale.

Mr. GRAHAM. Am I to infer from that statement that it was organized afterwards as a sort of holding company?

Mr. BURCH. Well, a company called the Commonwealth Lumber Co. was bought out by it and the name changed to the Nichols-

Chisolm Lumber Co.; and the buying out was, I think, by this Thomas Morrison, or somebody in the interest of Shevlin & Clark and others who were the main spirits in the Nichols-Chisolm Lumber Co. That is, these gentlemen purchased from the owners thereof the Commonwealth Lumber Co., changed its name to the Nichols-Chisolm Lumber Co., and that the Nichols-Chisolm Lumber Co. obtained these lands marked in red.

Mr. GRAHAM. Is the timber in the north townships as good as the timber in the south townships of the four?

Mr. BURCH. I do not understand that there is much timber in the north townships. It is agricultural land, as I understand it.

Mr. GRAHAM. Is it your understanding that the townships marked include most of the merchantable timber in the north townships?

Mr. BURCH. I hope to put on testimony on that point.

Mr. GRAHAM. One more question. There are a number of sections in the south township 143 not owned by the Nichols-Chisolm Lumber Co. Are they owned by some other company?

Mr. BURCH. Perhaps Mr. Seekell can answer that. Do you know, Mr. Seekell?

A. I think those subdivisions are patented to other parties for agricultural purposes, and that is true all the way through.

Mr. GRAHAM. There are three numbers—10, 15, and 16—indicating a number of sections in the center of the township. Is it your understanding that those sections are not covered with merchantable timber?

A. Yes, sir.

Mr. GRAHAM. Is it your understanding that the other sections in the south township which are in white have not merchantable timber on them?

A. Yes, sir.

Mr. GRAHAM. Do the marked sections include all the good timberland on those four townships, or substantially all of it?

A. Substantially all of it.

Mr. GRAHAM. And all the white sections indicate agricultural lands?

A. Yes, sir.

Mr. GRAHAM. Then it follows that all the merchantable timber on those four townships finally drifted into the possession of the Nichols-Chisolm Lumber Co. and the Wild Rice Lumber Co.?

A. Substantially all of it.

Mr. GRAHAM. How long after the sale was it that that occurred?

A. I think the abstracts will show that most of the patents were issued in 1903, and I understand that the Crookston sale was in 1900.

Mr. GRAHAM. Did the patents issue to the purchasers at the sale, and how soon after the issuance of the patents was it that the land so patented passed into the possession of the present owners?

A. I think the abstracts will show that its conveyance from the patentees, either direct to the Nichols-Chisolm Lumber Co. or to other persons, began to be made soon after the issuance of patents, but none of those or very few of those deeds were placed upon record until about the year 1909.

Mr. GRAHAM. The abstracts will show, of course, but I ask you now for convenience, perhaps because I am lazy. Did these conveyances generally pass direct from the patentee to the present owner or were they mesne conveyances?

Q. How many white persons are there in Mahnomen County?—A. I don't know, sir.

Q. How much land is there under cultivation in that part of White Earth Reservation in Becker County?—A. I don't know.

Q. How much land is under cultivation within a mile of Ogema?—A. Why, I think that within a mile of Ogema there is quite a little bit of it cultivated, possibly.

Q. Which part of the reservation have you visited?—A. I have been through the western part only.

Q. Only through the western part outside of the railroad?—A. Somewhat. Yes, sir.

Q. Can you tell which townships you have been on?—A. I can not tell them by number.

Q. Well, which way from Ogema have you been on the reservation?—A. I have been to White Earth.

Q. Well, west of Ogema, I mean.—A. I have never been west of Ogema.

Q. You have never been west of Ogema?—A. No.

Q. How far is the timberland from Ogema—that is, going east to White Earth?—A. One sees but very little timber in getting to White Earth from Ogema.

Q. As a matter of fact, you have never been outside of the railroad going from Ogema to the agency?—A. I went by the road when I went there.

Q. You have never been away from outside the road—away from the road?—A. No.

Q. You have never seen how much land is under cultivation west of Ogema, have you?—A. No.

Q. Outside of the road between Ogema and White Earth?—A. Except as I have driven through, that is all.

Q. Are you related to Mr. Burch by marriage or otherwise?—A. I am.

Q. What is the relation between you and Mr. Burch?—A. I am a nephew of Mr. Burch.

Q. What is your salary?—A. $200 per month.

Q. Any expenses attached to that?—A. Yes, sir.

Q. What are your expenses? How much are you allowed?—A. I am allowed $90 per month for subsistence.

Mr. GRAHAM. Are you giving the work your entire time?

A. Yes, sir.

Q. Have you any outside practice as a lawyer?—A. No, sir.

CHARLES W. SMITH, sworn by Chairman Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name.—A. Charles W. Smith.

Q. Where do you live?—A. At present I am located at Detroit, Minn.

Q. How long have you lived there?—A. Since June last.

Q. Prior to that, where did you live?—A. In Idaho for about two years previous to that.

Q. Where do you call your home?—A. Detroit, Mich.

Q. What is your present occupation?—A. I am special agent of the Department of Justice—of the Bureau of Investigation.

Q. How long have you been with the department?—A. Have been with the department since 1896 with the exception of about three years.

Q. And how long in your present employment?—A. Since the bureau was formed—something over three or three and one-half years.

Q. How much of the last few years have you devoted to work in Minnesota?—A. Only since June.

Q. Of last year?—A. Yes; last year.

Q. Have you been on White Earth?—A. Well, yes; I have been to some of the towns on the reservation.

Q. I assume, then, that the only interest you have in White Earth Reservation or Red Lake Reservation is whatever interest you may have as an inspector for the department?—A. That is all.

Q. Have you any investments of any kind in either of those reservations?—A. No, sir.

Q. Have you any interest of any sort in them other than official business?—A. None at all.

Mr. BURCH. Mr. Smith, you were once before in the Government service, beginning with the first Cleveland administration, in the district attorney's office, for 11 or 12 years, before you came into this service of the Department of Justice?—A. Yes sir.

Q. Mr. Smith, did you receive orders—or directions, I may put it—to go with Mr. Seekell, or be associated with him, to Bagley, Clearwater County, sometime last fall?—A. I did.

Q. Did you go?—A. I did.

Q. Did you do any work, and where?—A. At Bagley, in the office of the register of deeds.

Q. Were you in the court room when Mr. Seekell testified?—A. Only part of the time.

Q. Did you assist in making abstracts of the four eliminated townships—that is, the four townships in the northeast corner of the reservation?—A. Yes, sir.

Q. Will you pick up the abstracts?—A. Yes, sir.

Q. State what part of the work you did.—A. Searching the books principally, but I may say that we searched together at times, and when we searched separately we usually came together upon our discoveries.

Q. Have you examined those abstracts?—A. I have looked through them casually.

Q. Would you have to look through them more particularly to know whether they are substantially correct as abstracts of title of the lands in question?—A. They are the abstracts we prepared of them, and are in Mr. Seekell's handwriting.

Q. You think they substantially show the condition of the title to the lands?—A. I do.

Mr. GRAHAM. Mr. Smith, what experience have you had which enables you to pass upon their correctness?

A. I have been abstracting since I came here, last June, and in years gone by I had occasionally done some abstracting.

Mr. GRAHAM. Have you a profession? Are you a lawyer?

A. No; I am not admitted.

Q. From your service with the United States attorney did you have any practical experience in abstracting or dealing with abstracts?—A. No special experience.

Q. Most of what you know of the abstract business, then, is what you learned from Mr. Seekell during your work with him?—A. No; I have been abstracting since last June.

Q. In an abstract office?—A. Yes; the different abstract offices about the reservation.

Q. From your service with him and your knowledge of this, do you feel qualified and prepared to say that those abstracts show the record condition of the titles of the various tracts?—A. I believe they do.

Examined by Mr. CARL:

Q. Mr. Smith, did you do all of that work alone?—A. No; I have testified that Mr. Seekell and I did it together.

Q. How much of that work did you do, Mr. Smith?—A. I could not weigh amount as against what he did. We worked together.

Q. I suppose you would be able to identify the part of the work you did, if you were asked?—A. No; we did it together. This is all in Mr. Seekell's handwriting. I read from the books and we checked afterwards in various ways.

ALMOND A. WHITE, sworn by Chairman Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Give the reporter your full name.—A. Almond A. White.

Q. Where is your home, Mr. White?—A. I haven't any just at present except at Brainerd and out in Oregon. I have resided in St. Paul a long time and in Moorhead and in Brainerd.

Q. Are you yet in some business?—A. Yes; in a small way.

Q. What business?—A. Well, I am farming and selling town lots and running a small hotel out in Oregon.

Q. In the State of Oregon?—A. Yes.

Q. Have you any business anywhere in Minnesota?—A. Yes, sir.

Q. Where?—A. Up in the northern part of the State.

Q. What is the nature of that business?—A. Selling town lots.

Q. In some one town, or in a number of places?—A. I have several small interests in four or five up in the northern part of the State.

Q. Are any of them on or near Indian reservations?—A. Yes.

Q. What reservation?—A. The White Earth Reservation.

Q. Whereabouts?—A. One of them is in Bagley, right due north of the northeast corner of White Earth Reservation.

Q. On what railroad?—A. About 3 miles north, on the Great Northern, but outside.

Q. Then you are to some extent, at least, familiar with the White Earth Reservation?—A. I have never been on it except one trip in the first two townships that show on the map there, which were eliminated.

Q. The first two from the north?—A. Yes, the first two from the north. I have never been on any other part.

Q. They are indicated on the plat marked "Exhibit 18"?—A. Yes.

Q. But nothing there to indicate their connection with other townships?—A. These are the two here; and Bagley is right 3 miles north. Right here is Bagley, here.

Q. How long have you lived there?—A. I did not live there, but was there frequently.

Q. How long were you interested in any business there?—A. Well, oh, since about—14 or 15 years, in selling those lots there at Bagley.

Q. The village there is, of course, interested in the development of these eliminated townships?—A. Yes.

Q. Have you lots at any other point than Bagley?—A. Yes; 6 miles east of Shevlin.

Q. That would take you that much farther away from the reservation?—A. Not much farther. It would be at the northeast corner of the eliminated towns.

Q. Well, I mean from the remaining—the diminished reservation?—A. Oh, yes; it would be 6 miles farther away; yes.

Q. Have you any property interests on the reservation?—A. Not any.

Q. Of any character?—A. No; never have had.

Examined by Mr. BURCH:

Q. Do you recall the 27th and 28th days of November, 1900, at Crookston, Minn.?—A. Yes, sir. I heard the date mentioned here to-day.

Q. You were in that vicinity at that time, I understand.—A. I got in there in the night. The night before, from Bagley.

Q. Did you go there to attend an auction?—A. Not particularly. I happened there by accident really.

Q. Did you attend the sale at the United States Land Office?—A. Yes.

Q. And the adjournment of it to the town hall—that is, when it was adjourned over to the town hall?—A. No; I only attended at the town hall.

Q. You were there the first day at the land office?—A. No; not the land office. It was held two days in the town hall. I got in the night before the sale commenced.

Q. Quite a crowd there, wasn't there?—A. It was a large hall and it was pretty near full.

Q. Well, did the spirit move you to bid any on any of these lands?—A. I didn't know anything about them but I did finally get interested in it and bought some.

Q. You bid a little?—A. I bid a little; yes.

Q. Now, those lands that you bid on, did anybody bid against you?—A. Yes, sir.

Q. A whole lot of people?—A. Yes; a great many.

Q. Mr. White, I know you are a business man and a man of intelligence. Will you tell this committee in your own language what you saw of that sale; the manner in which it was conducted; the manner in which the bidding occurred; your own experiences in connection therewith, if any; and if you quit, why you quit? Just tell them: that is what they want to find out about. They want to find out all they can about that sale.—A. I never had been on the reservation nor seen any of this land, and hadn't much knowledge of it. I attended the sale—I guess it was the adjourned sale—in the hall. I got in there about 11 o'clock the night before from Bagley, where I was interested; and I watched the sale during the day and did not buy anything, because I didn't have money enough to buy at the figures it was selling at. They were selling in the two south townships, where it was very heavily timbered, and I saw a good deal of

spirited bidding there during the whole day on the two south townships. I didn't buy anything, because I hadn't any information or estimates, and did not have much money to put in anyhow; but it brought a price considerable above the estimated price or the valuation on the printed books, and there was a large quantity of land bought by men at Oshkosh, by a man by the name of Davies.

Q. Did you bid on any?—A. I didn't bid on any at any time that day, because it was beyond my pile. I didn't have enough money to bid on that and I didn't have the notes, but I did bid the next day on some land in the two north townships.

Q. With what result?—A. Well, I paid much higher than I expected to. I paid—I think I paid about 60 per cent above the valuation in the book on what I got.

Q. Well, do you mean to be understood that on the first day on these southern townships that there were many bidders as to each particular parcel that was offered, from your observation—according to your recollection?—A. Well, there were different bidders, but I think that this man Smith was bidding in all the pine. I think there were not many bidders on the south townships. That is my recollection.

Q. On the south townships?—A. That was the two south townships.

Q. You don't think there were many bidders?—A. Not very many.

Q. What man Smith do you speak of?—A. From Oshkosh, Wis.

Q. You mean Davies?—A. Yes; Davies, I mean, from Oshkosh.

Q. He bid off a good deal?—A. A large quantity.

Q. Well, now, did you hear there anything about a combine or pool—what is known as a pool or combine?—A. I had no actual knowledge of any kind.

Q. I am asking you if you heard?—A. Rumors and idle talk, that is all. Yes, I did—rumors.

Q. Did you see any indications of one in the bidding in the pine towns, and if so state what?—A. I don't know as I detected anything in particular except it was regular straight bidding.

Q. Did you get angry at any time there—I mean in the course of your own bidding?—A. During the time that I was bidding?

Q. Yes.—A. I paid a good deal more than I expected to pay.

Q. Did you get angry on that account?—A. What?

Q. On account of their bidding against you?—A. Not particularly on account of their bidding against me.

Q. What did you get angry about?—A. Oh, nothing particular, only I bid for about two hours there and did not get a piece; that is, after this man Smith got through bidding.

Q. Davies, you mean?—A. Davies; Davies; yes.

Q. How old a man are you?—A. Sixty-seven years.

Q. After Mr. Davies got through bidding—or was he bidding while you were?—A. No, no; because his price was away beyond my money. I intended to get some land more for agricultural purposes. I did bid considerable after Davies got through bidding—that is, the last day. I didn't bid any high amounts, but raised bids.

Q. Well, why did you; because you got angry?—A. No; I wanted to get some of it by raising it a small amount, but I didn't bid high, because I did not have any estimates, and timber wasn't worth as much to me as it was worth to other people.

Q. Did anybody make any suggestions to you about—to find out what you wanted, or anything of that kind?—A. No; not particularly; nothing that I know of definitely. One man came to me, or came behind me—I don't know who he was—and pulled my coat tail and wanted to know what I wanted. I told him I wanted to be let alone. I remember about that.

Q. You wanted to be let alone?—A. I told him I wanted to be let alone; yes. I was busy.

Mr. GRAHAM. Who was the man?

A. I don't know. It was nobody that I knew. He was behind me.

Mr. GEORGE. Did you think that he wanted to interfere with you in any way?—A. I don't know what he wanted.

Q. You were bidding for agricultural land or for timber land?—A. Something I could get cheap; more particularly agricultural land with a small amount of pine on it, and quite a lot of it was appraised at $51 a forty; quite a lot of it, and that portion up near Bagley. There is where I got the most, up near Bagley, where I had interests.

Q. On what was Mr. Davies bidding?—A. Davies was bidding in the two south townships in the heavy timber.

Q. Then he was bidding for timber and you were bidding for agricultural land?—A. I did not bid any in the two south townships. I was bidding particularly for agricultural land—anything estimated up to 17,000 feet on a forty was classed as timber land and valued at $51 a forty.

Q. Did you know any of the people in the hall who were bidding at the time?—A. Yes.

Q. Any considerable number there?—A. I knew more who lived along the line of that railroad; that is—strangers below I did not know.

Q. You mean the railroad running through Bagley?—A. Yes. People from East Grand Forks and Bagley and Bemidji; I was better acquainted with people along there, but people from here I did not know with the exception of one or two. I had known some from Wisconsin. There were some there from Wisconsin.

Mr. GRAHAM. Were you at that time familiar with the various lumber companies that actually did buy land that day?

A. No; only one or two of them. Mr. McCoy was there from East Grand Forks whom I knew. He owned the mill at East Grand Forks. I knew him.

Q. What is the name of his company?—A. East Grand Forks Lumber Co.

Q. Who else did you know?—A. I knew Mr. Erickson, a logger at Bagley, and Mr. J. Neils, of Cass Lake, and I knew others from Bemidji and people that were there.

Q. Did you know who were bidding on behalf of the Nichols-Chisolm Lumber Co. or the Wild Rice Lumber Co.?—A. No; I never heard of the Nichols-Chisolm Lumber Co. I didn't know the people, but I understood they bid off some there.

Q. Do you know yet who was doing the bidding for them?—A. No; I don't really know now.

Q. Or whether there was one only or more than one bidder?—A. I heard they had a representative there, but I did not know him. There were a great many people there in the hall.

Q. How many persons were in the hall, about?—A. Oh, anywhere from 50 to 200.

Q. How many were there bidding?—A. I don't know. Perhaps—that is a hard thing to tell. Perhaps 30 or 40 or 50 at different times during the two days.

Q. Was sale carried on like an ordinary auction?—A. Yes; by the register and receiver.

Q. Why did they bid up so much against you for agricultural land, or who did it?—A. A number of people. A great many local people bid against me on what I got.

Q. Those fellows who were buying the heavily timbered land were not competitors for the agricultural land, were they?—A. Well, they bid up along in those two townships.

Q. There is timber in those two townships, is there?—A. Yes, but very light.

Q. Is there any commercial timber there?—A. There is some, yes; down in the second township it was pretty fairly well timbered. I bid a good deal on timber down in the second township, but I did not get any of it.

Q. Are you in any way connected with or engaged in the lumber business yourself?—A. No, sir.

Q. What was your intention in bidding on that kind of land?—A. Just to sell it off to the adjoining settlers.

Q. For use on their farms, do you mean?—A. Yes. I have sold two or three hundred acres since to adjoining settlers for use on their farms.

Q. In that case, do you sell the timber or do you sell the land?—A. Sell the land and what is on it in 40 or 80 acre tracts.

Mr. GEORGE. Expecting the settlers to use that themselves?

A. Yes. I sold off some of the pine the next year.

Mr. GRAHAM. Had you at any time any business or any other connection with any of the lumber companies?

A. Not any at all.

Q. Did you that day observe who were buying the heavily timbered lands?—A. Yes.

Q. You had information there at the sale as to who was getting that land, had you?—A. I learned who they were who were bidding. I was not acquainted with them at all.

Q. Who were they, as you learned them?—A. I knew Mr. Walker by sight—young Mr. Walker.

Q. He was representing what interest?—A. Well, T. B. Walker & Co., I guess.

Q. The millmen?—A. Yes, sir.

Q. Where?—A. They live here in Minneapolis.

Q. Where are their mills?—A. I don't know. I don't think they cut any lumber now. They are handling stumpage, I think.

Q. Mr. White, did you at that sale get the impression that it was not fair competitive bidding?—A. Well, I heard rumors that a combination——

Q. There in the room?—A. No, outside; and I had no knowledge of it at all.

Q. You understand I only asked for the impression you got, not for your personal impression. Now, how general was that impression there?—A. I don't know about that.

Q. Well, did you get that impression from more than one source?—A. Yes.

Q. How many sources?—A. Oh, not many; no.

Q. Can you state whether it was the general impression there?—A. No; I could not do that.

Q. Did that impression go only to the timber land or did it go to all the land that was offered?—A. There was only timber land offered.

Q. You were there to buy agricultural land?—A. Well, that is, with a small amount of timber on.

Q. It would be classified as agricultural?—A. No; as timber.

Q. So that, theoretically at least, none but timber land was sold that day?—A. No.

Q. What would you say was the minimum amount of lumber per acre which would justify the classification as timber land?—A. Seventeen thousand feet at $3 a thousand.

Q. Forty acres was the smallest unit that was sold?—A. Yes.

Mr. GEORGE. What was the number of feet?

A. Seventeen thousand.

Mr. BEAULIEU. The amount was 10,000 feet.

Mr. GEORGE. Ten thousand feet was the minimum unit?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. What I wanted to get at was the basis of classification. While the land with a small amount of timber on it was classified as timberland, yet as a matter of fact you would buy it for agricultural purposes.

A. Because I could get it cheap.

Q. Yes; but my assumption is correct, is it, that you really intended it for agricultural purposes?—A. Yes; to sell off what timber I could, of course.

Q. Then, you did not come in conflict there with the real lumber interests, did you?—A. Yes, some.

Q. How? Did you bid on some land that was pretty heavily timbered?—A. I did bid on quite a large amount of it, but only simply raised the bid once or twice. I did not get any to amount to anything.

Q. You spoke in answer to Judge Burch's question, about being a little miffed, to say the least, at the way things were going.—A. I don't know. I bid two hours there, and did not get a piece of land; that is, not the heavier timbered.

Q. Did you at that time think that your failure to get anything on your bids was due to any combination among bidders, or any understanding?—A. No; I was not willing to bid high enough to get it.

Q. That is not quite in answer to my question. Did you at that time have any impression or opinion that your failure to get it was due to any combination or concert on the part of others to keep you from getting it? In other words, did they run up the bids with the deliberate purpose to prevent you or anyone like you from getting it?—A. I can not say as they did, because I was not willing to go high enough to get it.

Q. Did it go beyond its value?—A. I did not raise the bid more than once or twice, say ten or twenty dollars on a piece, then I would stop. I did not dare to go any further on it, not having any information about it. I thought if I got it on the second bid it would be all right. If the first bid was by somebody that knew about it, it would be all right. I was just feeling for something.

Q. Do you not see, Mr. White, that you were hardly justified in feeling even a little bit angry because you did not get it under those conditions?—A. No; I wasn't a bit.

Q. Well, what was it that angered you?—A. Nothing in particular.

Q. If there was anything in general, tell us what that was.—A. Well, I noticed that the large lumbermen did not bid against each other when I was trying to get something.

Q. How was it when the heavily timbered land was for sale? Did they bid against each other?—A. No; they did not seem to.

Q. Was that generally noticed?—A. My attention was called to it by spectators there.

Q. Was it the subject of comment there in the room at the time, or immediately after?—A. I heard it talked a little on the street.

Q. At that time did what you heard impress you as being true? That is, that there was not competition among the heavy bidders, the big fellows?—A. Well, there did not seem to be.

Q. Can you see any reason why they poked in when you little fellows were bidding?—A. Well, they did.

Q. I know; but what do you think was their purpose?—A. I did not think they cared so much for getting the 40's that were sparsely timbered, but there was considerable competition for that among the local people.

Q. Who was there representing the Government; anyone but the register and receiver at the land office?—A. Not that I know of.

Q. Was there any representative of the Indian Office, that you know of, present at the sale?—A. Yes. There was a man there by the name of Mr. Beaulieu.

Q. What was his first name?—A. I have forgotten now.

Q. Did you know him personally? You did not mean Mr. Gus Beaulieu, who sits here at the table—A. No; I don't think it was him.

Q. Do you know what his connection with the Indian Office was?—A. I never knew anything about that one there. I understood he was looking after the interests of the Indians.

Q. Was he the only one that you know of who was there?—A. Yes; I don't remember anyone else now. It was 11 years ago.

Q. Did you give any attention at all to the matter of the valuation of the land, the appraisement or valuation of it, before the sale?—A. No; not at all. Not until the second day. I knew nothing about it.

Q. None of it was appraised or valued at less than $51?—A. No; $51.

Q. That would be $1.25 an acre and $1 would cover the odds and ends?—A. Yes; $3 a thousand; $51.

Mr. GEORGE. Did you know any of these bidders?

A. I knew some of them by sight. There was only one of the large bidders that I knew, Mr. Shevlin, but I don't know that he bid any.

Q. How did you know that the large bidders were doing the bidding? How did you know they were in a large way interested?—A. Because they bought a good deal.

Q. Certain individuals in that room bought a good deal of land?—A. They bought a good deal at the high prices.

Q. Did you ask who they were, and did you get the names?—A. At the time, but I don't remember now. I remember two of them. One was young Walker and the other Mr. Clarke. The others I don't remember.

Q. Did you identify these with any of the combinations?—A. Did I? No.

Q. What about these appraisals of the land? Were they in the form of books, or papers, or what?—A. In the form of printed books.

Q. Did you get one of these books?—A. Yes. They were distributed there.

Q. You state you did not know much about the appraisal?—A. Not until I got there.

Q. Were they abstracted at the time, so that you could see just what the values were, and on the high-priced land see on what you call "the large bidders" were bidding?—A. Yes.

Q. And on the land at low appraisal they were not bidding?—A. They bid on considerable of that, even.

Q. But you felt irritated after two hours' bidding that you got nothing and they were putting things out of your reach?—A. Well, I was not willing to bid high enough to get any; that was the trouble. I did not have the money to pay for it and would not take the risk.

Mr. GRAHAM. Who was doing the bidding for the interests Mr. Shevlin represented?

A. I don't know that. I don't remember whether Mr. Shevlin bid any or not. I knew him, but the others from Minneapolis I was not acquainted with at that time.

Q. Were you acquainted with the land on the south two townships?—A. No.

Q. Have you ever been down there?—A. I have only been down on the first two townships one trip.

Q. Have you ever seen the heavy timber on the south townships?—A. No.

Q. Have you on the reservation anywhere?—A. No.

Q. Have you seen any of the heavily timbered land in that section, either on or off the reservation?—A. No; there is not any. There isn't any heavily timbered land along the road where I was accustomed to travel between Bemidji and Crookston. No.

Mr. BEAULIEU. Mr. White, you mentioned that one of the Beaulieus was present. Do you know whether he was there in an official capacity?

A. No, I don't; but I supposed he was there to represent the Indians. That was only a supposition. I don't know that he represented the Indians.

The committee stands adjourned until 10 o'clock a. m., Wednesday, January 24, 1912.

WHITE EARTH RESERVATION

No. 9

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 24, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman.*

SCOTT FERRIS, Oklahoma.
HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

JANUARY 24, 1912.

MORNING SESSION.

LUTHER DAVIES, of Oshkosh, Wis., sworn by the chairman, testifies as follows:

Examined by Chairman GRAHAM:

Q. What is your full name, Mr. Davies?—A. Luther Davies.

Q. Where is your residence?—A. Oshkosh, Wis.

Q. How long have you lived there?—A. Since 1892.

Q. That has been and is your home?—A. Yes, sir.

Q. What has been your occupation?—A. Merchant.

Q. In what particular line?—A. Dry goods more particularly.

Q. How long have you been in that business?—A. Since 1892.

Q. Have you been in any other business?—A. I have been in the general merchandise business.

Q. Other than the store, do you mean?—A. Well, that would be the store.

Q. What I meant was, had you any other outside business or businesses?—A. Well, I have been interested more or less in the investments in lands.

Q. Investments in this State of Minnesota?—A. Yes, sir.

Q. Are you familiar with the Indian reservation that we are inquiring about at White Earth?—A. Not to any great extent.

Q. Have you anything interested there?—A. No more.

Q. Have you had?—A. Yes, sir.

Q. When was that?—A. In 1900.

Q. What was the nature of the investment?—A. Purchases made at the land sale during the sale on November 26–28, 1900, I think.

Q. The one we had been referring to as the Crookston sale?—A. Yes, sir.

Q. What did you buy at the sale, timber or land and timber?—A. Well, I bought the timberlands—the timber and the land at the sale.

Q. Well, I don't care to go into that, as I assume Judge Burch knows those details better than I do. Are you interested in any way in any of the lumber companies that are mentioned here, such as the Nichols-Chisholm or Wild Rice?—A. No, sir; I am not.

Q. Have you been at any time?—A. Not at any time; no, sir.

Q. Are you a stockholder in any lumber concern?—A. No, sir.

Q. What lumber interests you have, then, are individual?—A. Yes, sir.

Q. They have always been, have they?—A. Always.

Q. I suppose you know the officers and the principal men of some of the lumber companies?—A. I know some of them; yes, sir.

Examined by Mr. O'Brien:

Q. How did you happen to go to the Crookston sale in 1900, Mr. Davies?—A. I happened out West at the time, and I was out there looking up some matters, and I stopped over on my way back, at Crookston.

Q. And you were present during the entire time of the Crookston sale of November 27-28, 1900?—A. At the sale, do you mean?

Q. Yes.—A. I think I was present for a day and a half thereabout.

Q. You bid on some tracts at that sale?—A. Yes, sir.

Q. Will you state in your own way your experience in bidding at that sale?—A. Well, in what particular, Mr. O'Brien?

Q. Well, I mean this, state whether or not there was any competition when you commenced to bid, and whether or not the competition ceased when you ceased bidding.—A. Well, I recall that when the sale started in, the first few numbers I think, they went at about the appraised value. That is my recollection. Of course, 12 years is quite a time to recall things. I think there were perhaps a half dozen or more forties that were sold at approximately the appraised value.

Q. Then what happened?—A. Then bidding started in at about that time or a little later.

Q. What do you mean about the bidding started in?—A. I mean this: I did not start just at that time. The gentleman who was with me, bidding for me, did start in to bid.

Q. State what your experience was in this bidding as to whether or not you were compelled to bid more for the appraised value for the pieces you got.—A. Well, the bidding was quite spirited.

Q. At all times?—A. Generally speaking, I should say at all times, barring the first few numbers.

Q. That is during the day and a half that you were there?—A. Yes, sir.

Q. On what tracts did you bid?—A. Well, I couldn't really say without I had the numbers. It was on a ceded township especially where the heavy timber was. I really couldn't say from the map; the numbers would answer that question precisely. I think, as I recall it, they were in the townships, the numbers I had, 143, 144.

Q. The two south townships?—A. Wherever those are I don't remember.

Q. Who was with you at this sale—a cruiser or estimator?—A. Yes, sir; I had a cruiser—Mr. A. D. McDonald.

Q. And you had information as to the quantity of pine on the different numbers on which you bid?—A. I had some; yes, sir.

Q. To what extent did you bid at that sale on pine lands?—A. That is, the number of descriptions?

Q. No; rather the amount of money that you spent.—A. Why, something in the neighborhood of $19,000, more or less.

Q. That was all paid during the first day and first half of the second day?—A. As I recall it; yes.

Q. What happened then?—A. Well, I was through.

Q. Did you meet any of the other bidders at the other sale or bidders representing the large companies?—A. Well, I met several gentlemen there off and on.

Q. What did you do with the land you bought?—A. I sold it.

Q. To whom?—A. To Hovey C. Clarke.

Q. When?—A. I think it was November 28, 1900.

Q. How much did you receive for it?—A. Why, whatever the amount was, I couldn't state the exact figures, but that could be ascertained from the records.

The CHAIRMAN. Your best recollection, if you have any?

A. Total of it?

The CHAIRMAN. Yes.

A. I should think it would figure up in the neighborhood of $24,000.

The CHAIRMAN. About $5,000, then, more than you paid for the timber?

A. Yes.

Q. You received that from Mr. Clarke before the sale ended?—A. Yes, sir.

Q. Did you do any bidding after selling out to Mr. Clarke?—A. No, sir.

Q. Can you give us in a little more detail, Mr. Davies, what transpired during the time you were bidding during the first day of the sale? Can you give us a general description of the same, what took place, your own experience in bidding?—A. I don't know that I just get your meaning, Mr. O'Brien.

Q. How many bidders were there present—how many persons purchasing?—A. I couldn't say. We first met, as I recollect it, in the land office, and that room was too small, and we adjourned from there into some larger room. I don't recollect the name of the place, but there were a great many people there—there might have been a hundred or more. I am not certain as to the number, but I know it was quite filled during the entire time that I was there. There might have been a hundred people, more or less.

Q. Well, did you observe at any time that when you bid upon certain tracts the bidding became more spirited than when you were not bidding?—A. Well, I don't know as to that. I know that during the time I was bidding there was very active competition there.

Q. Well, did you feel at all resentful of the fact that when you commenced bidding there was more competition than when you were not bidding?—A. Well, I don't know that I felt resentful, but for some little time I was not able to secure anything, and as time went on I rather made up my mind that I would try and secure some of these pieces.

Q. Well, didn't you enter into pretty general competition yourself with the other bidders at that sale during the first day and the first half of the second day?—A. Yes, yes; I think I did.

Q. In this connection I would like to refer to the abstract, Exhibit 17, the abstracts of the four townships. I would like to call your attention to the fact that while the patent was issued to Mr. Davies June 22, 1903, it was kept off the record until June 3, 1909.

Examined by the CHAIRMAN:

Q. Mr. Davies, before the Crookston sale had you been in the habit of investing in timberlands?—A. Yes, sir.

Q. Pretty generally, or only occasionally?—A. Only occasionally.

Q. For how long a time prior to the Crookston sale had you been doing that?—A. Well, I had been interested in lands for possibly 10 or 12 years previous to that time.

Q. Then you were fairly familiar with what the necessary things were in order to bid intelligently?—A. Somewhat so; yes, sir.

Q. You stated that you had a man who did the bidding for you.—A. Yes, sir.

Q. I suppose you had an expert go over this ground and compare the timber itself with the estimates, had you?—A. I don't know whether he went over the ground himself personally or not. I know that he had some of the estimates. How he secured them I really don't know.

Q. You relied on his judgment in this regard?—A. Yes, sir.

Q. Did you go far enough yourself or through him or through anyone to form an opinion as to the correctness of the estimates or as to what margin there was between the estimate and the fair value of the land?—A. I don't know as I just quite catch that——

Q. What I mean to get at is this: When you bid on a tract of land, had you knowledge of what the fair value of that land was, compared with the estimate made?—A. Yes, sir; I think I had that knowledge. I bought it thinking that I had it.

Q. You had it through your expert?—A. Yes, sir.

Q. Do you remember now how the estimate compared with the fair value as it was reported to you?—A. Why, those averaged—some possibly went over, some were higher, and some were about the same. They averaged according to the particular description.

Q. Did you bid on any tracts on which you didn't have any special information?—A. No, sir.

Q. Did you bid on every tract about which you had such information?—A. I think I did; at least I endeavored to.

Q. Can you give any estimate now, even approximately, of the quantity or amount you got for the $19,000?—A. The quantity of the land? I think something like 33 descriptions.

Q. Thirty-three forties?—A. Forties and fractional forties, I think. I think there were some lots included in that. There might be some over or some under. I don't know the exact acreage.

Q. Did you get there at the opening of the sale?—A. Yes, sir.

Q. And you were there when the bidding began?—A. Yes, sir.

Q. You say that they first started that sale in the office of the register—of the land office?—A. No, sir; the meeting was there, and they adjourned to a larger room.

Q. There was no actual selling there?—A. There was no actual selling there. It was announced by one of the officials in charge that they would adjourn to larger quarters.

Q. And that was a public hall?—A. Yes, sir.

Q. And your present recollection is there were about a hundred or more people there?—A. Yes, sir; there might have been 200, I wouldn't say.

Q. I think some one said in answer to such a question that there were from 50 to 200 people there.—A. There might have been. I don't know. The hall was well filled.

Q. Who conducted the sale? Who did the actual selling?—A. I think there was a gentleman from Crookston; I don't know his name.

Q. The point is, Was he a Government officer or was he an auctioneer?—A. I think he was a Government officer; I wouldn't say. I don't know. My impression is he was a Government officer.

Q. So far as his part of the work is concerned, was it fairly done?—A. I think so; yes.

Q. Did you notice any attempt to favor one bidder as against another on his part?—A. No, sir.

Q. About how many bids were usually made on a single tract?—A. Oh, that would vary. Of course, I couldn't say as to that. There might have been a dozen.

Q. Did the first bids sometimes fall below the estimate or did it generally fall below the estimates?—A. I don't know as I catch the meaning of that.

Q. You all had a printed slip there giving a description and estimated values, didn't you?—A. Yes.

Q. Every bidder had that?—A. Yes.

Q. Now, did the opening bid sometimes fall below the estimated value?—A. In no instance do I recollect that. I understood the appraised value was the minimum price. I don't recollect anyone bidding below the appraised value. It may have been done. If so I didn't notice it.

Q. Perhaps the seller, the person conducting the sale, would not receive a bid below the estimate.—A. So I understood; yes, sir. I think that was the general understanding; at least, it was my understanding.

Q. What was your plan at the sale in bidding? Did you usually make the opening bid, or was there some one else to do that?—A. It would vary. Sometimes I would make it, sometimes other parties would make it.

Q. You stated to me awhile ago that you were thoroughly familiar with the principal men of the different lumber companies—the bid companies. How many companies were represented there, as you recollect it?—A. I don't know.

Q. Well, tell us some that you do know were there by representatives.—A. As far as I know, the only people I knew at the sale were three gentlemen from Wisconsin. That would be four. including the cruiser I had with me.

Q. The only ones you personally knew?—A. Yes, sir.

Q. Did you then know Mr. Hovey C. Clarke?—A. No, sir.

Q. It was after the sale opened that you got acquainted with him, was it?—A. Yes, sir.

Q. Did you then know of him?—A. Well, I may have heard his name. I presume I had heard his name.

Q. Was he connected with one of the lumber companies?—A. Well, now, I presume he was connected—at least, I understood he was connected with the Shevlin Lumber Co.

Q. I haven't heard of that one before. Had it any other designation?—A. I don't know. I wouldn't say the Shevlin Lumber Co.; I would say Mr. Shevlin's company. I understood that he was a partner of Mr. Shevlin.

Q. Did Mr. Shevlin operate as an individual or through some corporation?—A. I don't know. I couldn't say.

Q. Did he deal very extensively in lumber and timberland?—A. Mr. Shevlin?

Q. Yes.—A. I couldn't say.

Q. Do you know of other bidders that made bids through a substitute instead of bidding directly?—A. I don't know; no, sir.

Q. Is there a reason of some sort for that?—A. Not that I know of.

Q. Why didn't you do your own bidding?—A. I did part of it. In fact, I did most of it.

Q. And when your agent did it I suppose he did the bidding under your direction?—A. Yes, sir.

Q. Had you a code of signals to show what you wanted?—A. No, sir; we had no code whatever.

Q. When the bidding began, as I understand you, you soon noticed that the bidding was keener when you were bidding than it was at some other times when you were not?—A. Well, I don't know as that would necessarily follow—that it was keener.

Q. Did you notice on the part of others also a disposition to raise the prices up on you?—A. Well, I don't know as they showed a disposition to raise it on me any more than on anyone else.

Q. Explain, Mr. Davies, what you mean by anyone else.—A. Well, no more than on any other bidder.

Q. Did you notice anything that appeared to be collusion or concert of action on the part of any of the bidders?—A. I don't know that I did; these gentlemen were all strangers to me with the exception of three or four, and of course I didn't know who they were.

Q. You got to know them later on, did you not—who the bidders were?—A. Some.

Q. Afterwards identified them?—A. Some of them; yes, sir.

Q. Well, in other words, from the time you identified them until the bidding time came, with the knowledge that you afterwards acquired, can you say that there had been anything like concert of action between some of them?—A. No; I don't know as I could say that.

Q. Did you notice who got most of the land that was sold there?—A. I didn't; no, sir.

Q. When you made purchases, what was the arrangement with reference to the assignments of the deed—the patent, deed, or whatever it was? When did you get it?—A. Well, it was some time after that, I think it was something like three years afterwards, before the patent was issued.

Q. You remember Mr. O'Brien's statement as to dates, that you got the title in 1903, in June—what was the paper by which you got title to the property, do you remember?—A. I don't remember.

Q. Well, whatever it was, what did you do with it?—A. I didn't do anything with it.

Q. At that time, as a matter of fact, the land was yours, was it?—A. Well, of course, it was bid in by myself.

Q. Well, when you made the agreement with Mr. Clarke, to which you have testified, was there any writing of that?—A. Yes, sir.

Q. The agreement in writing by you?—A. Yes, sir.

Q. Conveying it?—A. Yes, sir.

Q. Did you keep a copy of that agreement?—A. Yes, sir.

Q. Have you still got that?—A. I think I have.

Q. We would like to get it.—A. I haven't it here.

Q. You haven't it here?—A. No, sir.

Q. What arrangement could we make with you by which we might get it and make a copy of it?—A. Well, I don't know——

Q. Can you recollect in substance what was in it?—A. In substance, it was, I think, that I instructed the register of deeds to issue, to turn over the land I had bought at that sale to Hovey C. Clarke.

Q. But, as a matter of fact, the paper title issued was issued to you, wasn't it?—A. Yes, sir.

Q. His name wasn't substituted for yours as the grantee at the sale at Crookston?—A. I had offered to do that, I presume.

Q. It was not done, as a matter of fact, was it?—A. That I could not say.

Q. You did later make a deed to Mr. Clarke?—A. I made a quitclaim deed; yes, sir.

Mr. BURCH. I may say it is a custom, Mr. Chairman, to give directions as to whom the patent should be delivered when they come to the register. The Government sends the papers to the register to be distributed to the parties, and it is the custom to direct the patentee to leave directions to whom the patents may be delivered. Perhaps that is what he means.

Q. Do you recall now whether the patent was issued directly to Mr. Clarke or to you?—A. I don't ever recall getting a patent.

Q. How many hours did the sale last during the first day?—A. I think we opened the sale about 9 o'clock in the morning, possibly a little later, and closed at 12 o'clock noon; and I think we then opened about 2 o'clock—possibly 1.30—and, as I recall it, we got through about 5 o'clock.

Q. And the next morning about the same way?—A. About the same way.

Q. What do you mean; was it on the second day of the sale when you quit bidding?—A. I think it was about noon—not quite noon—but I think they were nearly over with it.

Q. You had quite a conversation with Mr. Clarke, of course?—A. Yes, sir.

Q. Were you introduced by some one?—A. I don't recall.

Q. Did he come to you or did you go to him?—A. Oh, he must have come to me, because I certainly didn't go to him, unless I met him. I don't recall just when I met him nor how I met him.

Q. You were one of the most active bidders there, or at least you were among the active bidders?—A. Well, possibly so; I don't know——

Q. You say you did most of the bidding yourself?—A. Well, I would qualify that by saying that I think I did most of the bidding.

Q. Well, it was perfectly apparent from your conduct there, to any observer, that you were an active competitor for timber lands?—A. Oh, I presume so.

Q. Anyone could see that?—A. I presume so.

Q. Did you do any figuring with Mr. Clarke as to the amount of money you had expended that day and the day before? In other words, did you figure up that the sum total of your purchases would me $19,000?—A. I think we did.

Q. Do you remember making any figures on paper, or how did you do it?—A. I don't remember about that.

Q. And in that—well, was it this way? You say you got $24,000 for what you agreed to pay $19,000 for. And did he just agree to give you $5,000 more than your purchase amounted to?—A. Well, that is about the substance of it.

Q. And in that arrangement was it also a part of the agreement that you were to quit bidding from that time on?—A. There was no agreement at all as to that. I stopped because I was at the end of my—the amount that I expected to put in, namely, about $20,000.

Q. But, after having sold your purchase, $20,000 was released, and you could have gone on and reinvested it under the agreement with Mr. Clarke—not only $20,000, but $24,000.

No answer.

Q. Mr. Davies, was not there some understanding, whether it was expressed in words or not, that you were to cease bidding after he bought you out?—A. I don't think there was any understanding about it.

Q. Well, don't you see that the reason you state is hardly conclusive as a reason why you should quit? You say you wanted funds, when in fact you had all the funds you started with and $5,000 more.—A. Well, I was through, so far as my amount that I had there to invest, and I didn't care to continue any further.

Q. As a matter of fact, you didn't bid any more, did you?—A. I think not.

Q. And you never, of course, paid out any money whatever on the purchases you made?—A. No, sir.

Q. You did receive the $5,000?—A. Yes, sir.

Q. When?—A. Well, I think that same day.

Q. In what form—check, draft, cash, or what?—A. I don't remember what form; I think it was a check or draft.

Q. Do you recall whether it was signed by Mr. Clarke?—A. No, sir; I could not say as to that.

Q. You don't remember?—A. No, sir.

Q. Was the money paid immediately after he bought the lands from you or bought them for investment?—A. I think it was. At least, I think I received—I don't know as I had the cash—but I think the check or draft, or whatever it was, was paid over at that time.

Q. How much longer did you stay after you sold to Mr. Clarke?—A. How much longer in the day, do you mean?

Q. Yes; or during the sale.—A. Well, I was there that day; I think I left that night.

Q. Do you remember whether the sale continued into another day?—A. I could not say as to that.

Q. You of course went to Crookston by train?—A. Yes, sir.

Q. And you left for home, I presume, at the next convenient train time after you closed out?—A. Yes, sir.

Q. After that you have no personal knowledge of what took place?—A. No, sir.

Q. Did you notice any other persons who were bidding there and quit bidding as you did?—A. No, sir.

Q. Don't know whether that happened or not?—A. No, sir.

Q. Did your expert, or the man who was your substitute bidder, know anything about this transaction—about your selling what you got to Mr. Clarke?—A. I presume he did.

Q. Who was he?—A. Mr. A. D. McDonald.

Q. Where does he live now?—A. Wausau, Wis.

Q. That is your home?—A. No, sir.

Q. He is still in the lumber—timber business?—A. I could not say as to that. I heard last night that he had died a year and a half or two ago.

Q. Have you since learned what lumber concerns Mr. Clarke is connected with?—A. No, sir.

Q. Do you know that he is exclusively engaged in the lumber business, or that he has been, excepting by hearsay?—A. Only hearsay.

Q. Well, that would be worth repeating. It is common knowledge, I suppose. What did you hear?—A. I didn't hear anything except that I know there are certain concerns that I presume he is interested in, but I don't know anything as to the companies, or number of them, the names of them, or the location.

Q. I beg your pardon for seeming to push the matter so, but you see Mr. Clarke is a stranger to me. There may be more than one Mr. Clarke. What I want is to identify this particular Mr. Clarke. Can you make that identification?—A. I can not; no, sir.

Q. Were you ever on White Earth Reservation, except at that time?—A. No, sir.

Q. Did you go up in the timber yourself on that occasion?—A. No, sir.

Q. Have you ever been in the lumber manufacturing business?—A. No, sir.

Q. So that when you bought timber land it was for speculative purposes?—A. Purely an investment.

Examined by Mr. GEORGE:

Q. In bidding for investment, how long did you expect to hold your investment before realizing?—A. Well, I really didn't know. I didn't know whether I would hold it a day, or a year, or 2 years, or 10 years. I had really no knowledge or plans with reference to that.

Q. What had been your experience with investments of this sort before?—A. That was my first experience at a land sale.

Q. You thought you might sell in a day or a year?—A. Well, I think—I was buying to hold this land indefinitely—I thought I might hold it possibly for a year, or 4 or 5 or 10, and eventually turn it over to some of these lumber companies who wanted to manufacture the timber.

Q. Did you have any lumber company in mind?—A. No, sir.

Q. Did you know of any lumber people there?—A. No, sir.

Q. In going there, were you just going to get some of this timber to hold indefinitely?—A. Yes, sir.

Q. And you had how much money in mind to invest?—A. $20,000.

Q. But the day after you made your investment, or began to make your investments, you found a party to sell to, and so you sold?—A. Yes, sir. I figured I was getting a reasonable profit, and I thought I would prefer to sell it rather than take the chance of fire and hazards of various kinds, and turn a quick penny.

Q. You regarded that as a reasonable advance?—A. Yes, sir.

Q. $5,000 on $19,000 investment?—A. Yes, sir.

Q. Twenty-five per cent?—A. Yes, sir; that is a legitimate, reasonable profit, as I figured it.

Q. Why didn't you continue that? You didn't want to limit your investment, of course?—A. Yes; I expected to limit it to the $20,000.

Q. But you didn't invest the $19,000 on the same day, or the next day. You really put up no money whatever?—A. No.

Q. You received $5,000 profit?—A. Yes.

Q. Why didn't you continue this good work?—A. Well, I didn't have any money at all, so far as I was concerned—not actual cash.

Q. But you had bid on $19,000 worth of timber land, and you made a profit on that?—A. Yes, sir.

Q. If you had no money, how could you pay?—A. I didn't know as I could if I didn't have the money.

Q. Well, then, how did you expect to get the land?

The CHAIRMAN. He didn't say he had no money. He said if he had none.

Mr. GEORGE. I beg your pardon. I understood you to say you had no money.

A. I didn't have anything over my current expenses.

Q. You didn't have $19,000 to pay for the land you bought?—A. No, sir.

Q. Well, how did you expect to get it?—A. Well, I expected to buy it and pay for it after I got through. I expected to get it through the bank. My credit was good. I had no special plans in regard to the actual cash.

Q. Well, then, if you could have gotten $19,000 from the bank by reason of having credit for this amount of timber, why couldn't you have gone on in your purchases? Why not buy $19,000 worth more?

No answer.

Q. If you were selling your land for $5,000 advance, you were getting $24,000 for a $19,000 investment. Why couldn't you have continued straight through the sale?—A. I never thought of it. I suppose I could have. It never entered my head to do it.

Q. It was like picking up $5,000, wasn't it?—A. In a way; yes.

Q. In a day and a half you had realized $5,000 more than you had come over with. You didn't have to go to the banks to get credit then. Why not continue in that way?—A. Well, I presume it would have been a good thing to have done it, but it never occurred to me.

Q. You were $5,000 richer. You came there with a real desire to make some money?—A. Yes, sir.

Q. You were going away with the realization that you had made money?—A. Yes.

Q. Well, why didn't you continue to make money?—A. Well, I never thought of doing that way. That is not the way I did. It never occurred to me at the time.

Q. Well, I think, if I was making an investment of $19,000, and could, in a day and a half, sell that for $24,000, and make $5,000 clear, I would have hung on to that sale as long as it lasted.—A. Well, after I got through, all the lands were practically sold that I was interested in; there was nothing there, so far as I was concerned. There were some agricultural lands, in which I was not interested at all, but the best of the lands were sold when I quit.

Q. In the first day and a half, all the good timber lands were gone?—A. Yes, sir; those that I had any record of were cleaned up. So far as I was concerned I was all through. I didn't want to take any chances on anything else, because I was not sufficiently posted as to what was on the land. I might have gone on, but that would have

been speculation, pure and simple. I was there to buy these lands and hold them indefinitely, if I had to. Well, if I had gone on and bought the land, as you suggest, without having any knowledge about it, that would be speculation, pure and simple, and I would be taking chances on any of the land.

Q. You had no knowledge whatever of any of the other land?—A. No, sir.

Q. This cruiser had no knowledge?—A. Not that I know. Of these lands which I bought, I thought I had certain knowledge as to their value, otherwise I would not have been in there at all. If I was to go on and buy the lands I had no knowledge of at all, I might buy them at the appraised value and possibly come out whole or make a little; but I didn't know. It was too uncertain.

Q. You felt you were out of it after that?—A. Yes, sir.

Q. You had no knowledge of any other lands whatever?—A. No, sir.

The CHAIRMAN. Any gentleman representing the interests here who would like to ask any questions?

Mr. R. J. POWELL. I would like to ask a question, please.

The CHAIRMAN. Will you please put in the record what parties you represent?

Mr. POWELL. I represent the Nichols-Chisholm Lumber Co. for the purpose of this examination.

Examined by Mr. POWELL:

Q. Mr. Davies, as I understand your statement, the most of the timber had been sold during the first day and the first half of the second day?—A. Yes; the timber in which I was interested.

Q. Now, the sale commenced with the south township of the four townships involved, did it not?—A. That I could not say.

Q. You mentioned town 143—37. Do you recall whether the sale commenced in that township?—A. I could not say.

Q. You don't remember?—A. No.

Q. Then your statement is that when the adjournment occurred at noon on the second day you had bid on all the stuff that you cared to purchase?—A. Yes, approximately. There might have been a few forties there, you know, but it was not worth while bidding, so I didn't pay much attention.

Q. That was the point I wanted to bring out.

Examined by Mr. O'BRIEN:

Q. Did you hear any rumors of a combine, Mr. Davies?—A. Why, yes; I think I did hear rumors, some little talk around.

Q. Very general at the time?—A. I don't know how general it was. I don't know where I heard of it, but my impression is that there was some talk to that effect.

Q. Did you hear anything as to who were in the combine?—A. No; I didn't.

Mr. Powell here requested that on account of the recent severe illness of Mr. Nichols, of the Nichols-Chisholm Lumber Co., he would request that Mr. Nichols be allowed to testify before the committee at Detroit, which was near his home; and also that on account of the books of the company being at Frazee, he would request that Mr. Backus, the bookkeeper, be allowed to testify there before the committee—at Detroit.

Mr. Nichols and Mr. Backus were excused from appearing before the committee here at this time, the understanding being that, if the committee went to Detroit, both gentlemen would be examined there; otherwise, they would be subject to the call of the committee, Mr. Powell having stated that they would go to Washington, or anywhere the committee desired to testify.

JOHN J. LYNCH, sworn by the chairman, testified as follows:

Examined by Chairman GRAHAM:

Q. Give your full name.—A. John J. Lynch.

Q. Where do you reside?—A. Minneapolis.

Q. How long has Minneapolis been your home?—A. About three months.

Q. Where did you live before that?—A. At White Earth, Minn.

Q. Do you mean in the village of White Earth, or on the reservation?—A. In the village of White Earth.

Q. How long have you lived there?—A. Between 15 and 16 years.

Q. Where do you call your home now?—A. Well, I presume it would be divided between Minneapolis and White Earth now.

Q. What is your present occupation?—A. I am doing nothing at present.

Q. How long have you been engaged in that business?—A. Since I came to Minneapolis.

Q. Before that what were you doing?—A. Why, I did a little land buying and general-store business and various little small speculating around in that way.

Q. You did sort of a general merchandising in White Earth?—A. Yes; my wife did. I am a party to it, I suppose.

Q. And when you speak of buying and speculating around, what kind——A. Oh, I sold land and timber, etc.

Q. Are you experienced in timber matters?—A. Oh, moderately so?

Mr. BURCH. Don't be ashamed; just tell what you have done.

Q. How long have you been familiar with the timber and lumber business?—A. All my life.

Q. How large a place is this village of White Earth?—A. About 400.

Q. And how is that population divided racially—how many are white and how many are Indians?—A. Mostly Indians; 90 per cent Indians.

Q. Who conducts the business in the village, the whites or the Indians?—A. Indians.

Q. What business or businesses are the Indians engaged in there?—A. In the village?

Q. Yes.—A. Well, there are three or four general stores and blacksmith shops and butcher shops, etc.

Q. Conducted by them? Of course you mean to include in the term Indians everyone having any degree of Indian blood?—A. Yes, sir.

Q. I suppose the persons to whom you refer now have a slight admixture of Indian blood only?—A. In varying degrees.

Q. Do you know what is the largest proportion of the percentage of Indian blood in the persons engaged in the mercantile business there?—A. Well, probably half-breed would be as near an approach to an Indian as there is in business there.

Q. How many churches in the village?—A. Two, adjacent to the village.

Q. And, of course, a school?—A. Yes.

Q. Graded school?—A. There are two or three schools.

Q. Separate ones?—A. One is a denominational school—a Catholic school—and the other is a Government school—that is, a Government boarding school—and there is a Government day school.

Q. Well, does the village maintain a public school?—A. No, sir.

Q. What do these children do who don't care to go to the Catholic school or the Government Indian school?—A. Go abroad or go without.

Q. Are there any arrangements there for the maintenance of a public school?—A. Nothing outside of what I have stated.

Q. Is it because there is no need of it?—A. Well, perhaps there has been no need of it. There may be need of it at the present time, but they have not yet organized anything of that kind.

Q. Are you familiar with the entire reservation of White Earth?—A. Oh, generally; yes.

Q. You have heard the testimony this morning, Mr. Lynch, about the four townships on the northeast side of the reservation which were sold in 1900?—A. Yes, sir.

Q. I suppose you are familiar with them, too?—A. In a general way; yes.

Q. How did the timber of these four sections compare with the timber on the other portions of the reservation?—A. Well, I suppose it might have compared favorably with timber in the towns south and southwest of it, but generally at didn't compare favorably with the timber in 142, 37-38.

Q. It was not as good?—A. No.

Q. How large are the largest trees—pine trees?—A. Oh, there might be special ones 4 feet on the stump. That would be special ones.

Q. And then dropping down to the next grade, would be of what diameter?—A. Two feet would be a fair average for the bigger stuff. There is a great quantity of smaller stuff that is now logged that wasn't a few years ago.

Q. What is the minimum size?—A. Five inches thick and 10 feet long.

Q. What use is made of that?—A. Oh, lath or shingles.

Q. What would be the proportion of increase in the value of that timberland that was sold in 1900?—A. Increase in growth or value?

Q. In value?—A. It would have increased twofold, anyway.

Q. That is, doubled?—A. Yes.

Q. As a matter of fact, has the timber been cut off of that land any?—A. I think the greater portion of it has. I have not been over the four ceded towns in 3 or 4 years, but from general information I believe that 75 per cent of it is cut.

Q. What is the character of the soil through the reservation generally—through the timber part of the reservation?—A. Through the timber part of the reservation a light soil with a gray subsoil.

Q. Well, the soil has plenty of moisture and is fairly productive, isn't it?—A. There are parts of the reservation very productive and other parts not so.

Q. What is the character of the soil; that is, in such as you describe?—A. You mean in the timber section?

Q. On any part of the reservation.—A. Oh, on the prairie portion of the reservation it is a black loam mixed with sand, with rather a firm—a sandy clay subsoil.

Q. Is it more productive than the cleared land than the timberland when clear?—A. No.

Q. What are the usual products of the farm there?—A. Oats, wheat, barley, rye, flax, potatoes, a little corn. Corn doesn't thrive very well there.

Q. Corn is not raised there for marketing purposes?—A. No; it doesn't do very well.

Q. On account of the soil or the climate?—A. Climate more than soil. It is pretty well north. The season is pretty short. Cold nights.

Q. What is fairly improved farm land worth, take an 80-acre tract of land, mostly under cultivation, with fairly good dwelling houses and some outbuildings on it and fences?—A. At the present time?

Q. Yes.—A. Why, I should think a good, fair land—$20 to $25 an acre would be a fair valuation for such land and improvements as you state.

Q. What is the land worth now as compared to, say, five years ago?—A. Of course there is no value to the land, only comparative value. That land is perhaps worth just as much as land as it is down in Illinois, where it is worth $200 an acre; but the surrounding conditions don't warrant any such prices, and I would think that land there 5, 6, 7, 8 years ago, or 10 years ago, was not worth to exceed $10.

Mr. GEORGE. With improvements?

The WITNESS. Well; there were not any improvements to speak of at that time.

Mr. GEORGE. But the increase has been made by improvements.

The WITNESS. Well, the increase is made by the improvements and by the conditions that exist surrounding the place as to schools and churches and shops and a variety of things that go to make a country a homelike place.

Q. To what extent has the agricultural land been utilized by the Indian population? How much farming are they doing?—A. Very little.

Q. What is the character of that?—A. Well, a great many of them have a little garden—half an acre or so. A few of them small farms, which they work indifferently.

Q. What is the character of the homes?—A. Some have fair homes.

Q. Frame houses?—A. Yes, some frames; and there are a number of log houses in some sections of the reservation. They all have fairly warm, comfortable homes of some kind to live in. It may not be very pretentious.

Q. Do the full-bloods or the Indians of more than half Indian blood in them—what is the character of their homes?—A. Some of those have as good homes as some of the whiter ones.

Q. Are they usually of their own construction?—A. Some are and some are not.

Q. What means have they for getting cash money?—A. Why, not a great deal, only by labor, working out.

Q. How are they in that regard?—A. They do a little hunting and fishing sometimes.

Q. How are they with reference to willingness to labor?—A. Some are quite good.

Q. And when they work, how are they?—A. Some of them are very good.

Q. Give us an idea of how much that covers on a percentage basis.—A. Well, I would say that they would compare favorably well with a mixed community of whites as necessity requires. The necessity has a great deal to do with how a man works.

Q. White or red?—A. White or red or black.

Q. What is the Government school or any Government agent doing up there in the way of teaching them better methods of farming or anything?—A. Well, the Government school there has a garden of possibly 20 acres. They raise a variety of things in it and use those children in the seeding and cultivating and garnering in, and in that way they get some little attention along the garden lines.

Q. Is there any agency or any means by which the others are helped, by suggestion or otherwise?—A. Very little at the present time.

Q. Has there been?—A. Well, I believe there have been efforts made to supply them with machinery and cattle and horses, and instuctors to go among them and help them use them, but it seems to have lapsed into practically nothing at the present time.

Q. Did you have a chance to observe the effect of that plan?—A. Why, yes; in a way.

Q. How did it work?—A. I think it worked fairly well. At one time on the reservation it worked so well that there were perhaps cultivated by the Indians 20 years ago two or three times as much as there is at the present time.

Q. Still, they have the same land or holdings now, haven't they?—A. No; not now.

Q. Generally speaking?—A. No; they did have up to two or three years ago.

Q. What changed it?—A. A great many of them have since then sold their land.

Q. What are those doing who sold their lands?—A. Well, virtually what they did before. They didn't do anything with the land.

Q. Didn't they have to move off after selling?—A. Some have and some have not.

Q. Where did they move to?—A. Into the villages around, to their sisters, or brothers, or fathers, and lived there.

Q. Again referring more particularly to the Indians who are full bloods or nearly so and who live on the farm, please tell us about how they are provided with stock—horses or cattle.—A. Not very well.

Q. Well, take an average example and give it as an illustration.—A. Well, I wouldn't suppose that they would average a head apiece of either horses or cattle throughout the reservation.

Q. Do they make provision for wintering whatever stock they may have?—A. Some of them do very little along that line and others are quite shiftless.

Q. Have many of them or most of them vehicles?—A. Any of them who have anything to draw vehicles have some kind of vehicle.

Q. What do you say, Mr. Lynch, as to the class of Indians I refer to, whether more than half of them do have a horse or a horse and a vehicle of some sort?—A. About half of them, at least.

Q. A plow and some other farming implements?—A. Yes; I guess the Government has furnished them with a plow or plows innumerable times. That is not saying that they have them at the present time; some have and some have not.

Q. How many rooms in the houses—their homes?—A. Some of them are pretty spacious houses—four or five rooms, others seven rooms, and others have only one room or a room and an attic.

Q. You have been in their homes?—A. In some of them; yes.

Q. Are you familiar with their mode of life there—they use stoves and cook in the ordinary way?—A. Yes, sir.

Q. During the 20 years you have been familiar with the reservation what progress have they made toward a better civilization?—A. Along industrial lines, none; along educational lines, some; along social lines, don't believe they have improved any.

Q. Along industrial lines, according to a former answer you made, they have retrograded?—A. Yes, sir; they have.

Q. Along educational lines, I gather from what you have stated that the progress is confined to the children?—A. Yes.

Q. Perhaps a slight reflex on the old folks. How about that?—A. Well, yes; there is, of course.

Q. The education of the children reflects somewhat on the old folks?—A. Certainly; communication breeds some kind of manners, good or bad.

Q. Well, in this case is it having any perceptible effect?—A. Educationally, yes; I think so.

Q. What is your judgment, Mr. Lynch, as to the wisdom of making any serious effort to make a farmer out of the Indian who has reached middle life or beyond it?—A. I would think there was not much chance of reclaiming him.

Q. Below what age do you think something could be done with him?—A. My opinion is that the Indian, banded together, living in association with other Indians only, does not improve along these lines. The only way that I have seen any marked improvements along industrial lines with an Indian is when he is segregated from the band—outside.

Q. Have you noticed what becomes of the children who are educated in the Government schools and go back to their homes?—A. Some of them drift right back into the wigwam and become as much of an Indian as they were without an education, and some of them drift into the cities; some of them marry into outside families and scatter out through the country and some of them make good and some don't.

Q. What proportion of them go back—retrograde?—A. Oh, of the young people, I don't think a very large proportion. I don't think they are any worse along these lines than some of the whites are. I think you will find that in all communities; you will find whites that are worthless and those that are progressive. You will find it among the Indians, too.

Q. Yes; but my point was to get at some proportion as to the children who go to the Government schools and go back to their homes and lapse into uncivilized ways.—A. Oh, perhaps 25 or 30 per cent of them lapse. I have not made an intricate study of this question at all.

Q. I understand. Your answer was only approximately.—A. I was only speaking from general observation.

Q. Your chance to observe has been fairly good?—A. Fairly good.

Q. And I take it that you have powers of observation, so I thought I would ask you.—A. Well, I think that that would be about right, as far as I can see it.

Examined by Mr. BURCH:

Q. Among the various methods for the dissemination of intelligence at White Earth you mention schools and churches. Haven't they any newspapers up there?—A. Yes; there is a paper up there.

Q. You forgot to mention that.—A. I was not asked any question about it.

Q. What do they call that?—A. The Tomahawk.

Q. Well, they do have a newspaper, as well as schools and churches for that purpose?—A. Yes, sir.

Q. You have been over practically the east half of the reservation?—A. I have been over the whole reservation generally.

Q. Well, particularly you have been over the east half, the timber part?—A. I have been over that portion; yes.

Q. In the west half there is less timber, isn't there?—A. Yes; in the west about one-quarter of the reservation is prairie.

Q. What is the rest, in the west half, you say?—A. About one-quarter of the reservation is prairie, in the west half, and perhaps a little more than one-quarter, about 30 per cent, prairie.

Q. Now, the timberland that has really been purchased for timber purposes by anybody has been practically in the east half of the reservation?—A. Yes.

Q. I want to confine myself to the east half.—A. All right.

Q. The west half has been preferable for agricultural purposes?—A. Yes, sir.

Q. You have been practically over this east half?—A. Yes.

Q. When you were acting for the Government, as manager of its sawmill, whereabouts was that mill located?—A. Section 14—143—39.

Mr. GEORGE. Was that in one of these four eliminated townships?

A. No; it was not.

Witness indicates on the map.

Q. It was in the third tier of townships from the east side and the third tier of townships from the south side?—A. Yes, sir; it is in the third from the east line of the original reservation.

Q. I am taking in the whole reservation. You have been over these four eliminated townships, have you?—A. Yes.

Q. Had you been over them before the Crookston sale?—A. Yes.

Q. For what purpose?—A. Looking at the timber.

Q. Estimating and cruising?—A. I did not actually estimate.

Q. Well, cruising?—A. No; I didn't cruise, only in a general way. I did not make any definite estimates.

Q. In whose employ were you at the time?—A. I was not in anybody's.

Q. Do you know of the Akeley Lumber Co.?—A. Yes, sir.

Q. Were you ever in Mr. Akeley's employ?—A. No, sir.

Q. Did you know the cruisers or estimators for the Akeley Lumber Co.?—A. Yes, sir.

Q. Who were they?—A. Those I was associated with were A. H. Hatcher and Mr. Depew.

Q. Wasn't there a man by the name of Vaver?—A. J. D. Vaver. I knew him; I didn't know that he cruised.

Q. Well, no matter. Did you ever have any conversation with the cruisers of the H. C. Akeley Lumber Co. relative to the four townships and the pine on them?—A. Yes, sir.

Q. Do you know that they—did they assert that they had estimated the pine in the four townships?—A. They did.

Q. This was before the Crookston sale?—A. Yes.

Q. What did they say they estimated the standing pine at?—A. Somewhere in the neighborhood of 120,000,000.

Q. One hundred and twenty million?—A. Yes, sir.

Q. Well, do you know what the Government estimate was?—A. Practically; I think it was 78,000,000, according to the——

Q. You think it was 78,000,000?—A. I think it was 78,000,000; I couldn't say exactly——

Q. Well, no matter. You say that these people for the H. C. Akeley Lumber Co. had estimated it before the Crookston sale; figured it and estimated it at in the neighborhood of 120,000,000?—A. Yes, sir.

Q. Where are those men now? Are they alive?—A. I believe they are. I don't know just where they are.

Q. Do you suppose they could be found?—A. No doubt.

Q. Would you mind informing me what you can learn in regard to that later—as to how they can be found, where they are?—A. Why, Depew—I don't know where he is.

Q. I know you don't know now.—A. Well, I couldn't get any information, perhaps, here at the present time.

Q. Has the H. C. Akeley Co. entirely dissolved?—A. Yes; I understand so.

Q. Mr. Akeley has married and gone to California, and he was the principal man in the firm?—A. There were several. Farr, he is dead.

Q. Never mind, then. I only want to get track of these estimators. Did you ever talk with any other estimators, of any other company?—A. No; I have heard other estimators discuss the situation. however.

Q. Had they been over the land?—A. Yes; I think so.

Q. What did they estimate it at? You can give hearsay, if you want to. The committee wants to know.—A. I could not say what any of them did say the estimate was.

Q. That is, as to the total?—A. No.

Q. You are sure that was the four townships?—A. Yes.

Q. And did you talk with them before the Crookston sale or after?—A. With these associates of the Akeley Lumber Co.?

Q. Yes.—A. Both before and after.

Q. Did you attend the Crookston sale?—A. I did.

Q. You were on the spot?—A. Yes.

Q. All the while?—A. Yes, sir.

Q. What was your reason for going there—for investment, or did you go for some one else?—A. I went there, I presume, in the interests of the H. C. Akeley Lumber Co.

Q. The H. C. Akeley Lumber Co.; all right. How long before the sale did you get there?—A. On the morning of the sale, about 7 o'clock.

Q. Did you go with the adjourned procession from the land office to the hall?—A. I did.

Q. Did you see the commencement of the bidding?—A. I did.

Q. How was it, spirited or rather lifeless—at first I mean; at the beginning?—A. I don't recall exactly how it opened up, but after we got going I guess there was some pretty stiff bidding; quite a lot of it.

Q. Did you see this gentleman on the witness stand, Mr. Davis, there?—A. Yes, sir.

Q. Saw him bid?—A. Yes, sir.

Q. Did it get a little more vigor in it after he started in than before—a little more life?—A. Why, at times it did.

Q. Had you heard at the time they already commenced of a combine or pool? That is what I want to get at, Mr. Lynch, and you need not beat around the bush.—A. At the time they already had commenced?

Q. Yes.—A. No, sir.

Q. Afterwards?—A. I did.

Q. How soon afterwards?—A. I heard the first evening that there was a combine.

Q. Did you hear who was in it?—A. No.

Q. Anybody that was in it?—A. I do not know that I heard any names mentioned. The general discussion was that some of the lumber companies were talking of forming a combine or pool.

Q. Talking of forming—was this at the close of the first day's sale?—A. Yes; or in the evening of the first day's sale anyway.

Q. That you heard it?—A. Yes.

Q. You were there for the Akeley Co.?—A. Yes.

Q. Did you get any information that Mr. Akeley was in the combine?—A. I did not.

Q. You did not hear of his being in it?—A. No; he was not there——

Q. You were his sole representative there?—A. No.

Q. Who else was there for him?—A. A. T. Thatcher.

Q. Did you have any intimation in any manner that you were to act in any capacity?—A. No, sir.

Q. More than as an adviser?—A. No, sir.

Q. You had no information that Mr. Akeley was in that combine?—A. No, sir.

Q. He didn't bid or buy anything, did he, I mean then? He bought at a private sale afterwards. There was some left over, but did he buy any then?—A. I do not say positively whether Mr. Thatcher bought some for him—a little timber—on the floor; I wouldn't say.

Q. Did you hear him say in that combine? I am calling for hearsay; the committee wants to get general information on that subject, I assume?—A. Well, the only man that I heard mentioned that I recall now was Mr. Shevlin.

Q. Mr. Shevlin—Mr. Thomas Shevlin, just deceased?—A. Yes.

Q. Well, we will pass that then. Now, was he a bidder on the floor at this sale?—A. I think he did bid.

Q. Nothing appears to have been sold to Mr. Shevlin on this list. You say he did bid?—A. I think he did.

Q. Did you stand there and observe this bidding?—A. Yes, sir.

Q. Am I to infer or is the committee to infer from what you say that at all times nearly there was spirited bidding, plenty of competition?—A. I think there was plenty of competition. There were perhaps not less than 50 men bidding there.

Q. Now, I am not speaking of more than 50 men bidding. You did not hear any 50 men bidding on any one tract, did you?—A. No.

Q. Did you ever hear of more than two persons bidding on any one tract?—A. Yes; I think there was at times four or five.

Q. Was it often or infrequently?—A. Well, it sometimes went along for an hour or so.

Q. Well, during the first day or day and a half—this Mr. Davies was the busiest one of them, wasn't he?—A. He was quite busy; yes, sir.

Q. Did you know who bid against him?—A. I do not know who bid against him.

Q. Well, now, look here, just wait a minute; of course you know Mr. Clark? Do you know him personally?—A. I do.

Q. You knew him then, personally?—A. I did; yes, sir.

Q. And did you know a man named Alworth?—A. From Duluth!

Q. Well, I couldn't tell—Marshall C. Alworth.—A. Well, I don't know the man very well. I think I never saw him before.

Q. Did you know him that day when you saw him?—A. I think that is the only time I saw him.

Q. You knew who he was?—A. I know his name; yes.

Q. Mr. Davies, of course. Did you see him?—A. Yes.

Q. Mr. Bell?—A. Bell—I do not recall.

Q. Recall?—A. I do not recall.

Q. Charles S. Gilbert, a gentleman who is here in the room?—A. I don't remember him there.

Q. Tom Monroe, of Muskegon, Mich.?—A. I think I have seen Tom Monroe once.

Q. Did you then know who he was?—A. I do not recall his being there.

Q. William S. Brooks—how about him?—A. Firm of Backus-Brooks?

Q. Yes.—A. I believe he was there.

Q. You knew him, then?—A. Yes.

Q. You remember Mr. Shute, of the Weyerhaeuser people—Richard Shute?—A. I have seen him.

Q. Carl Hendrickson—do you know him?—A. No.

Q. Sam McClure?—A. No.

Q. Willis B. Walker—of course everybody knows him.—A. Yes.

Q. Otis Staples?—A. Don't know him.

Q. Don't know Fred Hampson?—A. Yes.

Q. Was he there?—A. I think he was.

Q. He belonged to the Wild Rice Lumber Co.?—A. President at that time.

Q. Now, what I want to get at is, calling to your mind this, that you knew all these men that went there, I would like to ask you whether you saw them bidding or heard them bidding against each other? Now, for instance, did you notice Mr. Clark bidding against Fred Hampson?—A. I do not even recall Mr. Clark on the floor at the time.

Q. Well, did you notice Mr. Shevlin bidding against Fred Hampson?—A. I do not recall.

Q. Did you notice either of them bidding against Mr. Wright?—A. I do not recall that Mr. Wright bid.

Q. You do not recall the circumstances? In other words, the circumstances of the men that bid are dim in your mind?—A. Yes; I was not particularly interested in who bid. I was more interested in what they bid.

Q. Neither am I so much as in how much they bid against each other—of these men to whom the land was struck off.—A. Well, I do not even know who got the land eventually.

Q. Well, now, I will get back to my question, because I can not let it go. It seems to stick in my mind, and I must have it out. Do you remember whether any of these lumber men or their representatives, outside of Davies and outside of Mr. Wright, who testified yesterday, whom we heard testify last night, the old gentleman; do you remember their bidding against each other?—A. Well, my recollection is that Thatcher and Alworth and Shevlin and Hampson and a variety of others bid. As to whether they bid against each other or not, I do not recall. I was satisfied that there was considerable bidding against each other, but I would not say who bid against any other person. There were a good many people there, and this thing went on 2 days, and it is 12 years ago; as I said a minute ago, I was not particularly interested in who was bidding.

Q. Did you bid?—A. No, sir.

Q. Did Thatcher bid for Akeley?—A. I am not positive whether he bid or not on the floor. I know he picked up some afterwards.

Q. How far away from the southern two towns of the eliminated portion were you at the Government sawmill?—A. How far away from the boundaries——

Q. Of the eliminated townships. Were you about 8 miles away?—A. About that.

Q. Roads leading over into the eliminated townships?—A. No, sir.

Q. When was it you operated the Government sawmill?—A. About five or six years ago.

Q. You weren't operating it then—were they lumbering off over there in the eliminated townships when you went over there when you were operating the Government sawmill? Were there any companies lumbering off, cutting off lumber off from the two southern tiers of the eliminated townships?—A. Yes, sir.

Q. Who were they?—A. The Nichols-Chisholm Lumber Co.

Q. The Wild Rice?—A. I don't know that they were down in the two southern towns of the eliminated townships; but, presumably, they were in the northern part.

Q. Were they lumbering in there?—A. Yes.

Q. You knew that?—A. Yes.

Q. When did these two companies commence to lumber on these two townships, if you know?—A. Why, I would think about seven or eight years ago.

Q. Well, let us get down to the facts. I am trying to find out from this witness—it may be gone into later for the purpose of attempting to find whether or not these companies really began early to lumber.—A. Specifically as to dates, I could not tell you, but it is seven, eight or nine years ago.

Q. That they began lumbering there?—A. Yes.

Q. Nine years would carry it back to 1903.—A. Yes.

Q. This land was sold at Crookston in the fall of 1900?—A. Yes.

Q. In the year 1900.—A. Yes.

Q. Did any of the other companies lumber there?—A. Besides the Wild Rice and Nichols-Chisholm, you mean?

Q. Yes.—A. I don't know.

Q. Ever hear of any?—A. Well, there is a possibility that the Red River Lumber Co. did do a little logging off the eastern side of the north of the two towns north of that 144 or 145. They may have, I won't be sure.

Q. It was not within your limits. You see these marks in red [indicating on Exhibit No. 18] on the two southern towns. With a few in the extreme northern towns——A. Yes.

Q. And you see the crosses in black.—A. Yes.

Q. In the two middle townships.—A. Yes.

Q. Take the red-colored lands for the Nichols-Chisholm Lumber Co., upon my statement, and those with the crosses for the Wild Rice Lumber Co. from my statement; where would have been the operation of this Red River Lumber Co. in this far northern point?—A. Well, possibly right in there, for one piece.

The CHAIRMAN. That would be in the extreme southeastern corner of township 145?

The WITNESS. Yes.

Q. That is all I want to know—where did the Nichols-Chisholm Lumber Co. take their logs out to the mill; in what direction did they take their logs out to the mill?—A. They railroaded them out of the woods in the waters of the Ottertail River and drove them to Frazee, on the Northern Pacific.

Q. What was the highest—the farthest up—driving point where they landed their logs?—A. I would say in section 4—142—38.

Q. Where did they land their logs at the highest driving point for Ottertail?—A. I said I thought in section 4; maybe in section 5—142—38, in the lake known as Elbow Lake.

Q. From there, did they drive them down to Frazee?—A. Yes.

Q. That is some 20 miles or more south of the extreme south line of the reservation?—A. Frazee?

Q. Yes.—A. About 15.

Q. About 15 miles south of the reservation at all—of any portion of the reservation?—A. Yes.

Q. Where did the Wild Rice take their logs?—A. They took them through the Wild Rice River westward.

Q. Westward?—A. Yes; to Ada, Minn.

Q. Where is Ada?—A. Ada is on the Great Northern Railroad.

Q. Away up north of the reservation?—A. West of the reservation about 25 miles.

Q. Then they drove them all through the reservation?—A. They drove them through the portion west of wherever they logged them.

Q. Out of the reservation and 25 miles still farther north?—A. Yes.

Q. To Ada?—A. Yes; Ada is the county seat of Norman County.

Examined by Mr. GEORGE:

Q. I would like to ask the witness how long this sale lasted at Crookston?—A. Two days, the 27th and 28th of November, 1900.

Q. And to the best of your recollection up to what time were they selling the good timberlands?—A. Why, my recollection is that they started in on the south end of the south town, and I won't say what portion of the town, possibly in section 1, and they took it right out by townships, by the 40-acre tracts, making 32 biddings in each section where there was that many subdivisions of the timberland. Some of it was agricultural land, and I presume that they got through with that, as I remember, about 10 or 11 o'clock on the second day, up in the upper two towns.

Examined by Mr. BURCH:

Q. Are you personally acquainted, or have you been, with all the Beaulieus around White Earth?—A. I know most of them; yes.

Q. Did you see either of them up there that day, either of the days of the Crookston sale?—A. I do not recollect that I did.

Examined by the CHAIRMAN:

Q. I see by Exhibit 18 that in the parts of township 143 there are about two and one-half sections in white, whereas most of the rest of the townships are colored red on the plat.

Mr. BURCH. Section 16 is reserved as a school section. I was going to try to make a statement; I may not be correct in it, but I think perhaps it will help you. At sometime prior to this sale at Crookston those lands in 16 and 36, and some other sections in that township, were sold by the State over here at St. Paul, by the then State auditor, Robert Dun, and it seems to me, from my recollection now, that there was some disposition made of portions of 16 and 36, whereby the State had lost title to them, and they were given some portions in lieu of them elsewhere in the township, and they were sold as State or school or university or some State lands.

Q. But that does not touch my question. So far as it relates to a part of section 10 and nearly all of section 15 in that township, was that timber land?—A. It may be possible that it does touch upon that—that the State was given a portion of those sections in lieu of the portions of sections that the State had lost title to in some way that I do not understand.

Q. Section 36, indeed the whole eastern tier of sections, seem to be fractional?—A. In what way, Mr. Chairman?

Q. Well, I guess they are full size, the coloring is deceiving.—A. They should be on the east and south; on the west and north it would be a fraction. Now, the chances are that some of that land in the interior—township 143-37—has not got any timber on it, and therefore the Nichols-Chisholm Lumber Co. would not desire it and would

not have it, but it may be disposed of in the manner that I have suggested—that it was given the State in lieu of the lands otherwise taken away from the State for some reason.

Q. You will notice that section 36 has six forties marked in red which means the timber on it was sold, although it is a school section?—A. Yes.

Q. Mr. Lynch, I want you to tell us something about that Government sawmill you mentioned.—A. Yes.

Q. When was it established?—A. Why, perhaps in 1904–5.

Q. What was the plan or basis on which it was established?—A. For what purpose—do you mean for what purpose?

Q. Yes.—A. Why, it was established for the purpose of sawing lumber and building houses for the Removal Mille Lacs Indians. "Removal" that is the designation that they were carried under on the rolls.

Q. Removal to the White Earth Reservation?—A. Yes.

Q. Do you know what the cost of this establishment was?—A. No; I do not.

Q. Were you connected with it at the outset?—A. No, sir.

Q. How long had it been in operation when you became connected with it?—A. About one year.

Q. What was your position?—A. Superintendent.

Q. How long?—A. I think I ran it 28 months, or thereabouts.

Q. Were you familiar with it before you had charge of it?—A. No, sir.

Q. Had you been to it at all?—A. Once.

Q. Who was the superintendent at the beginning?—A. A. J. McIntosh.

Q. Who employed you?—A. Simon Michelet.

Q. He was then the Indian agent on the reservation?—A. Yes.

Q. How extensive was it—this plant?—A. It had lumbering or sawing arrangements and a planer and a shingle mill— well, that is about all there was to it.

Q. After you ceased to be connected with it, it continued running?—A. Yes.

Q. How long?—A. Why, up to about—well, say, three years, anyway, after I quit it.

Q. That made a total of six years that it ran?—A. I think about that time; off and on, at least.

Q. Good gracious! The Nicholas-Chisholm Lumber Co. must have needed a great many houses?—A. There were several hundred of them.

Q. It would not take a capable sawmill six years to cut out the lumber for several hundred Indian houses?—A. They had to do the logging and all that.

Q. Not with the mill?—A. What?

Q. That could be carried on jointly?—A. The mill did not run continuously.

Q. How did they get the lumber to the mill?—A. They hauled it on sleighs into the lake.

Q. Was there any restriction on them as to the place or the amount of trees they cut?—A. Yes.

Q. What was the restriction?—A. My understanding of it was that there were four sections reserved to be used for lumber for the mill.

Q. What sections were they?—A. 13, 14, 23, and 24—143—39, making a solid square.

Q. Where was the mill with reference to those four sections?—A. In the northwest corner of a little lake on the line between 14 and 23. If the lake is not given on your map I can point it out.

Q. In other words, it was at a convenient point to utilize the timber from those four sections?—A. It was on the little lake——

Q. Have you personal knowledge whether lumber from other sections were taken to that mill? Do you know one way or the other?—A. I know there was not during my incumbency.

Q. Well, at any time?—A. Not that I know of.

Q. Do you know what use was actually made of the lumber that was cut in that mill?—A. Why, yes; it was hauled out on the reservation and built those houses that I spoke of.

Q. Do you know of any other use that was made of it?—A. Why, no other except the possible repairs around the agency buildings at White Earth.

Q. How many persons were employed at that mill and in connection with it?—A. About 21 or 22.

Q. Were they paid a monthly salary?—A. Per diem, except myself.

Q. Were they regular employees or only casual?—A. Just casual; came and went when they chose; paid by the day.

Q. Have you any recollection now of how many days a year, for instance, each one of them was employed in that connection?—A. No.

Q. As superintendent, of course, you knew about what the work of running the mill was costing?—A. Yes, sir.

Q. Do you remember?—A. Per day or per month?

Q. Well, per year.—A. It didn't run continuously by the year, it only ran in the summer time, sometimes only part of the summer.

Q. I thought from what you said that you chose the wintertime to get the logs to the mill?—A. Yes.

Q. On sleds?—A. Yes.

Q. Well, the sleds could not run in the summer time very well.—A. The mill did not run in the winter.

Q. If you did the logging in the winter, that was part of the work in connection with the enterprise. Now, taking the whole thing for the year, what was the cost to the Government?—A. About $5,000 or $6,000.

Q. Was the machinery put in there new?—A. Yes.

Q. How much machinery was there, for instance, how many boilers?—A. There was one 20-horse boiler and one 40-horse engine.

Q. Do you recall the probable cost of the machinery?—A. Oh, probably $6,000.

Q. What became of it ultimately?—A. It is there.

Q. It has been idle now for how many years?—A. Well, I don't know that it is idle yet; I believe there is a crew up there now.

Q. Has there been constantly?—A. I believe there has.

Q. Doing what?—A. I think they are putting in logs there to saw next summer, right now.

Q. For what purpose?—A. I don't know.

Q. Where do the logs come from?—A. Those four sections that I mentioned.

By Mr. GEORGE:

Q. Well, not out of those eliminated sections?—A. These eliminated townships?

Q. Yes.—A. Oh, no.

Mr. BURCH. He has testified in regard to township 132.

A. In the diminished reservation.

Examined by the CHAIRMAN:

Q. Do you mean, Mr. Lynch, that it is running constantly in the season for running?—A. No; it is not ever running constantly; for instance, they would get in a couple of million feet of logs in the winter time and they would get them out by the 1st of August and close the mill.

Q. Who was in control?—A. I think a man by the name of Petrie. He is the present superintendent.

Q. To what extent is it under the control of the agent there?—A. Under the absolute control of the agent, except that this man operates it as the agent's subordinate.

Q. When you were superintendent of it to whom did you report?—A. Michelet, the agent.

Q. The records of his office ought to show all the transaction concerning it?—A. Yes, sir.

Q. The number of feet of logs cut down?—A. Yes, sir.

Q. And what became of them?—A. Yes, sir.

Q. Have you any knowledge of any of them later at any time coming off the reservation?—A. No, sir.

Q. The land from which the logs were cut is Indian land, is it not? It belongs to the Indians?—A. I presume so.

Q. Well, do you know how that is accounted for? Is it individual or tribal?—A. I do not.

Q. For instance, whose logs were they that you sawed up?—A. They were the property of the United States Government.

Q. Now, had that land been assigned to somebody or was it purely tribal?—A. It must be purely tribal. It was reserved and not allotted at the time of the others.

Q. And yet the use that was made of it—only a few Indians got the benefit of it, those for whom the houses were built—and do you know what was the theory of the account kept?—A. As to whether the Indians in whole would have any compensation or not; is that what you mean?

Q. Yes.—A. I would not think so; I think that they assumed it was tribal land not allotted, virtually Government lands.

Q. Do you know back of the Indian agent where the scheme originated for the making of the plant there? Did it come from the Indian Office in Washington?—A. I presume so, possibly from Congress.

Q. You had no dealings with the office there?—A. At Washington?

Q. Yes.—A. No, sir.

Q. You dealt with your superior, you said?—A. Yes, sir.

Q. Can you tell us from recollection about how many feet of lumber you cut in an average year's work?—A. About 2,000,000.

Q. About how many feet of lumber in the ordinary four or five room house?—A. Do you want to get at the houses that they did build there out of that lumber?

Q. Yes.—A. I think about 16,000 feet was assigned to each of these houses.

Q. Can you tell from recollection, and without waiting to figure it, how many houses of that character could be built out of 2,000,000 feet of lumber—16,000 in 2,000,000? I do not ask you to figure it out, just what you know from recollection.—A. Oh, no; I don't know.

Q. You were there about three years and cut about 2,000,000 feet a year?—A. I was there 28 months, I think.

Q. Two years and a third, and your predecessor had been there how long?—A. One season, or a year.

Q. And cut an average amount, too?—A. I presume so.

Q. And your successor was there three years and continued to cut about the same amount?—A. No; I think not quite so much.

Q. How much?—A. Why, I have no means of knowing, but there was quite a while that he was there that the mill was shut down from various causes. I was led to believe that some of this tract that was reserved to cut timber off of for the mill was allotted later, after I had left there, and cut into logs, and they were enjoined from cutting up, and the injunction was upheld for a time, and then I guess they were let to cut. I don't know all the ramifications that they did go through, but I do believe that some of the allottees were accorded the allotment through the courts.

Q. How many Mille Lac Indians were there?—A. All told?

Q. Well, families. In other words, how many homes were needed in which to house them?—A. I haven't any knowledge.

Q. Not even approximately?—A. Not anything like a close approximation; 200 or 300 or 400.

Q. That many families?—A. It may be; I haven't any knowledge.

Q. Well, approximately?—A. There may have been or there may not have been; I have no knowledge.

Q. What part of the reservation were they placed on?—A. Various parts of it.

Q. It was up to them to select a location?—A. I presume it was.

Q. Did you hear of any scandal in connection with the operation of that sawmill at any time?—A. Any scandal?

Q. Yes.—A. No.

Q. Any misuse of the materials handled there?—A. No.

Q. Do you remember a custom, probably based on law, which prevailed here sometime ago, giving authority in certain cases to cut broom handles?—A. Broom handles?

Q. Yes; broomsticks?—A. Broom handles on the reservation?

Q. Yes.—A. No.

Q. Did you ever hear of the matter itself?—A. No.

Q. Does my question suggest anything to you with reference to the cutting of timber that you heard about?—A. No.

Q. Was there at any time since you have known it leave given to anyone to enter on this reservation to cut any kind of timber for any purposes other than those Mille Lacs houses that you spoke of?—A. Why, yes; I guess they were allowed to cut dead and down timber some years ago, if that is what you are referring to.

Q. When was that?—A. That ran along for a number of years; perhaps covered a period of 20 years or more.

Q. Ending when?—A. Why, about seven years ago.

Mr. BURCH. That act was passed in 1889, repealing the dead and down timber act and giving the Secretary authority to suspend rather——

The CHAIRMAN. A portion of that act was suspended and has been since 1899.

Mr. BURCH. I think so.

The CHAIRMAN. Mr. Lynch, since I have been in the city I casually heard a gentleman remark that under some leave given to cut broomsticks, I think he said, there were occasions when many millions of logs designated as broomsticks——

Mr. POWELL. Boom.

Mr. BEAULIEU. Boom sticks, boom sticks.

Q. Oh, it was boom sticks; I didn't catch it right. Well, now does that remind you—just eliminate that "r" and make it boom sticks—whether at any time in your recollection leave was given to cut those things—boom sticks—on that reservation?—A. I don't know what the permission was, but I think there was permission given by the department to some of them to do so.

Q. The remark as I heard it seems to me very funny. I can see now I had the joke all to myself, because I didn't hear it correctly. What is a boom stick?—A. It is a log that is used to fence in other logs in the lake.

Q. That is to keep the logs together as a boom and keep them from drifting apart?—A. Exactly.

Q. Have you heard any scandal in connection with the matter?—A. There was a few accusations and prosecutions for the excess of green-timber cutting.

Q. When?—A. Oh, 10 years ago or more.

Q. On White Earth Reservation?—A. Yes; on White Earth Reservation.

Q. Do you know when that practice ceased?—A. Well, thinking it over, since Mr. Busch spoke, I guess in the spring of 1899 or 1900.

Q. Well, was that permission to cut the boom sticks given in connection with the dead-and-down timber act?—A. Yes, sir.

Q. Have you any knowledge from your own observation as to the extent to which live timber, good logs, were taken off the reservation under the pretense that they were dead and down and needed for boom sticks?—A. I guess that was not taken off that was not assessed for and paid for, except one or two little cases where they went to the courts——

Q. But under the dead-and-down timber act they could not assess for live timber as dead and down without authority given them?—A. They did it so.

Q. And do you mean that some live timber had been taken, and the parties who took it were caught and made to pay its real value?—A. I mean it was alleged that some green timber was taken, and the parties alleged to have taken it were assessed an extra amount for the taking of it and in those cases paid for it.

Q. During whose administration of the reservation did that occur?—A. I think Sutherland's.

Q. How long ago?—A. Twelve years ago.

Q. How could the dead and down timber be handled successfully, inasmuch as it is only occasional and very hard to get it to a shipping point?—A. I don't think it was ever handled successfully.

Q. But it was handled?—A. Yes.

Q. To make it a success a great deal of timber that was not dead and down was handled with it; was that the explanation?—A. That is so.

Q. To handle timber economically all should be handled at the same time within a certain area?—A. Yes; that would be more economical.

Mr. O'BRIEN. It seems that the Secretary of the Interior prescribed certain rules and regulations by which persons who were cutting dead and down timber could also cut a certain amount of green timber for boom sticks, and the trouble to which you refer is taken up in the report of Mr. Wright, and is to the effect that a larger amount of green timber was cut than was necessary for boom sticks. They cut a vast quantity of green timber under the guise of cutting boom sticks.

Mr. GEORGE. Why did they need them for boom sticks?

Mr. O'BRIEN. Some of these gentlemen experts in lumbering and logging can possibly tell you better than I.

Mr. GEORGE. Mr. Lynch, at the time were these green sticks needed?

The WITNESS. The supposition is that the green timber was required from the fact that it was strong and more resilient and would withstand a greater strain in the water and thereby not break so readily and scatter logs around the lake. It was a menace to the men handling the logs. It is very costly to pick up logs after they are once scattered in the lake.

The CHAIRMAN. Do you mean in handling dead and down timber they would handle timber so dead as to lose its resiliency?

A. Yes.

Q. What good was it?—A. They handled lots of stuff that was more than half rotten.

Q. What use was made of it?—A. Oh, they made shingles and lath and lumber out of it.

Mr. GEORGE. You mean partly rotten and partly sound?

The WITNESS. Yes.

Mr. O'BRIEN. Sure; they picked it up all over the country.

The CHAIRMAN. Is it the purpose of the gentlemen to take up any of these matters later on?

Mr. BURCH. Not along that particular line, because the dead and down timber business is so ancient and so entirely disconnected with anything we have to do with the White Earth-Red Lake business—and, anyhow, it would be so covered by this misuse of Chippewa Indians funds treated by the report of J. George Wright, which we expect to show afterwards, later, as a part of the clean-up—that I doubt that at the present time in connection with these four townships it is valuable. We expect to go into it to some extent, but only to show the wrongs of the Indians.

The CHAIRMAN. Mr. Beaulieu, is the Wright report the same one to which you have called my attention?

Mr. BEAULIEU. Yes; but there is another report, made up by Mr. Parks and some subagents, in regard to this dead and down timber

proposition. Now, Mr. Burch stated, I think, in his examination that he was going to bring up that dead and down timber proposition; and since he has referred to it, we would like to go into it.

Mr. BURCH. I said I would bring up the report later on as part of the clean-up. In explanation at this moment and in this particular case, it is asserted in the statement which I made, and it was printed as No. 7 of this series, that nearly $350,000 of Chippewa Indian funds was estimated to have been squandered, largely wasted; and that it is set forth in these investigations and report of J. George Wright, which will come in later. I have reason to think that it is the same thing exactly that Mr. Beaulieu is talking about, and we have expected to go into that as a part of the clean-up later.

The CHAIRMAN. We will save time, of course, in any matter of that sort which you have arranged to go into. Let us hear about it and take it up and make an end of it at one time.

Mr. BURCH. Also, the report of Swartz and Parks, the Indian agents of the United States Land Office.

Recess until 2 o'clock.

AFTERNOON SESSION.

Mr. LYNCH recalled as a witness.

Mr. GRAHAM. Mr. Lynch will be examined further after this witness, Mr. Gilbert, has testified.

CHARLES S. GILBERT, sworn by Chairman Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Where do you live, Mr. Gilbert?—A. Wausau, Wis.

Q. How long has that been your home?—A. For over 30 years.

Q. What is your business there?—A. Am in the real estate and loaning business, land business.

Q. Is your real estate business local or is it general?—A. We have a local real estate business and we are interested in lands in other States, or have been.

Q. Any particular class of land?—A. Mostly timberlands.

Q. How long have you been in that business?—A. I have been in that business for myself since about 1890.

Q. And at Wausau?—A. Yes, sir.

Q. Have you done business here in Minnesota?—A. Yes, sir.

Q. Have you done any business on the White Earth Reservation?—A. Only once.

Q. Was that in connection with the Crookston sale?—A. Yes, sir.

Q. Were you here yourself on that occasion?—A. Was I at Crookston?

Q. Yes.—A. Yes, sir.

Q. Have you any other business than your real estate business?—A. Well, not that I make a business of. I have some interests in other matters now.

Q. In your real estate matters away from home, do you act for others or do you buy and sell for yourself?—A. We were interested in two or three different companies that bought lands in grouped-up

timberlands and sold them. I don't know what you understand by that. We were not operators only so far as getting the lands together and holding them for investment and selling them when the chance came.

Q. Have you been engaged at any time in the lumbering business?—A. No, sir. We had a little mill down in Arkansas for a little while. I would not say that I was in the lumber business—manufacturing business.

Q. Are you familiar with the lumber conditions in Arkansas?—A. I haven't been there for—I haven't operated there for——

Q. Well, you know the character of timber they have?—A. Yes, sir.

Q. How does it compare in value or grade with the Minnesota pine?—A. Why, there isn't much of any comparison. Only the Minnesota pine, I should say, is more valuable.

Q. Much more?—A. I think so.

Q. And how about the hardwoods?—A. I have no experience in hardwoods in Arkansas.

Q. What are the hardwoods on the White Earth Reservation?—A. I don't know, sir.

Q. Do you know up in this country generally what hardwoods are valuable for lumber purposes?—A. Why, I know that in Itasca County, where we have operated some, there is basswood and birch. I haven't had much experience in really being out on the lands. I have only gone by cruisers' reports.

Q. Well, as to the Crookston sale, I prefer that Judge Burch himself would inquire of you.

Mr. BURCH. Do you wish me to take the witness?

Mr. GRAHAM. If you please.

Examined by Mr. BURCH:

Q. Mr. Gilbert, did you attend the Crookston United States land sale November 27 and 28, 1900?—A. I was there at Crookston and attended the sale a part of the time. I was in and out of the sale—of the room where the sale was going on.

Q. How did you come to go there?—A. We saw the lands—the sale advertised, and if I remember correctly, we sent to the land office for a list of the lands. Now, that is a long while ago, and I might be mistaken on where we got this list. I think we sent to Crookston or to Washington for a list of the lands, and that was rather late and we put our cruisers in to look it over and met them at Crookston; that is, they came out just about the time of the sale and we met them at Crookston, and the sale was the next day, I think.

Q. You use the term "we." Will you explain that?—A. The Gilbert Land Co. is one of our companies that operate in Minnesota. It is a Wisconsin company, but operates in Minnesota—and I say we—I say "we," that company primarily started to look over those lands to buy what they could, or part of them, or make some purchase of them, if there was timber there that they wanted.

Q. Who are the stockholders of the Gilbert Land Co.? Just name them?—A. The stock is divided between Mr. C. J. Winton, Mr. David N. Winton, W. C. Gilbert, and myself; but my stock, while it is in my name, is partly owned by the partners that I have told

you that we were in business with at Wausau, which is a partnership, but the stock is in my name, I think.

Q. You have mentioned four stockholders. A moment ago you used the expression "we" and "our." That is, you seem to have still another possessory company or copartnership, or some sort of an organization back yet, after Gilbert Land Co., and that was comprehended by the term "our." Who does "our" mean?—A. Well, now, I don't know what I said that in reference to.

Q. You said the Gilbert Land Co. was one of "our" companies.—A. The company I guess I meant—I belong to a partnership. I am in a partnership in the land business at Wausau, and all of the holdings that we have or that I have in any company belong to that partnership. I think that is probably where I used the word "our."

Q. Who is that partnership composed of?—A. Mr. Neil Brown and L. A. Pradt.

Q. That is Attorney General Lewis A. Pradt?—A. Yes, sir.

Q. Then Neil Brown, L. A. Pradt, and yourself, as a partnership, own an interest in the Gilbert Land Co., in connection with the two Wintons, and what other?—A. My brother, W. C. Gilbert.

Q. W. C. Gilbert, of Wausau?—A. Grand Rapids, Minn.

Q. Now, did the Wintons at that time reside in Minnesota or in Wisconsin?—A. At the time of the Crookston sale?

Q. Yes.—A. They resided at Wausau. No, one of the Wintons resided at Wausau, I think, I know—I think one of them then lived at Thief River Falls. I am not certain about that.

Q. Yes; I thought so. Which one?—A. C. J. Winton lived at Wausau, Wis.; David N. Winton, I think, lived at Thief River Falls.

Q. He was the manager, president, or something of the Thief River Falls Lumber Co., wasn't he?—A. Yes, sir.

Q. Are you interested in any way with the Thief River Falls Lumber Co.?—A. Absolutely not.

Q. Was C. J. Winton interested in it, so far as you know?—A. I think he was.

Q. Was W. C. Gilbert interested in it?—A. I know he was not.

Q. Was Lewis A. Pradt or Neil Brown interested in it?—A. I know they were not.

Q. Then you are entirely segregated when you use the term "our." The term "our" refers to people who are entirely separate from the Thief River Falls interests in any manner?—A. Yes, sir. I think the "our" was referred to here——

Q. Now, you say "we" saw the advertisement of the Crookston sale. Who does "we" mean? Yourself personally, as manager, or Mr. Winton?—A. I don't know. I know that we—I know that the sale—the notice of the sale came to us in some way.

Q. Came to be talked about?—A. Yes; I don't know how that was.

Q. And that means the Gilbert Lumber Co. came to be talked about—no; the Gilbert Land Co.?—A. Yes, sir.

Q. Thereupon you put your cruisers or estimators into the land advertised?—A. Yes, sir.

Q. How many?—A. I should say we had about 10 men.

Q. How soon before the sale, or how late before the sale, or at what time before the sale did you put them to work?—A. I could not answer that.

Q. Approximately.—A. I should judge 20 or 25 days; possibly 20 days.

Q. There were 40,000 acres to go over—something like that supposed to be classified as timber lands—approximately?—A. I suppose that is right.

Q. And you put the 10 men in about 20 days before the sale, probably?—A. Yes, sir.

Q. Were they experienced men?—A. Yes, sir.

Q. Men upon whose judgment you could rely, you felt?—A. Men upon whose judgment we did rely; yes.

Q. Did they go over the whole of this land?—A. No, sir.

Q. What amount did they go over—that is, the timber land?—A. I could not answer as to that.

Q. Approximately.—A. They went over quite a large part of the two south townships—the two timber towns. I did not know they were south towns then.

Q. Well, did you carefully go over with those men, before the sale started, the estimates that they made in comparison with the estimates given by the Government?—A. No, sir.

Q. On the same tracts?—A. We did not go over the lands with the estimators at all. They come in and made us their reports separately on the lands they had looked over.

Q. That is, each man made his report separately on the land he looked over?—A. I can tell you how we did that: I think the last of the cruisers came in the day before the sale, and their reports were made on books prepared for that purpose; and, as I remember it, we took each cruiser's report and placed his estimate opposite the description on the list of lands.

Q. Without regard to the Government estimate?—A. I am not certain whether it was on the list of Government lands or not. If not, we had a list prepared for that purpose beforehand.

Q. This Government list——A. No; I should say if we did not use the Government list we had a list prepared for that purpose.

Q. Did you not get these booklets?—A. I have forgotten the form it was in. I think we used the Government list. I have forgotten the form it was.

Q. The Government booklets, did you see?—A. I seem to remember they had a list.

Q. The minimum was over against every piece of land?—A. The minimum asking price—selling price. There was no estimates as I remember it. I don't think the estimates were there.

Q. The minimum would indicate the estimates, would it not, at $3 per thousand?—A. I think it did.

Q. It had to, didn't it?—A. I think there was a certain amount figured in for the land. I am not clear on that just now.

Q. Not according to law there would not be? The land went with the timber according to the timber estimate.—A. I have forgotten that.

Q. It had to be that way.—A. I thought that the minimum price on the book included something for the land, but I am not——

Q. Not under the law. No matter, anyhow. We need not discuss that. You had certain lands provided for, so far as your minds were concerned, as to what you could bid. That is, when the sale opened?—A. Yes, sir. I would like that question again.

Q. When the sale opened, you were prepared to decide what you could afford to bid on each particular forty, which your cruisers had estimated, were you not?—A. I think that we had it prepared. I am not just certain as to that. We had our estimate down anyway, as to what our ideas were of that particular forty—that particular piece of land.

Q. Now, you use the term "we" again. Whom do you mean?—A. At that time "we" included Mr. Winton and myself.

Q. Which Winton?—A. Mr. C. J. Winton. We made this list, Mr. C. J. Winton and myself.

Q. Preceisely. Which came there first, Mr. C. J. Winton or yourself?—A. At the sale at Crookston—in question?

Q. Yes.—A. I think we went together; am not just certain about that.

Q. Can you tell me, at that time, Mr. C. J. Winton—how long did you arrive before the sale? The day before, or——A. I think we were there probably a day and a half. I am not certain.

Q. Had either of you been in this vicinity before that?—A. I never had been in Crookston.

Q. Had C. J. Winton—no; not Crookston, but I mean around here, up in this part of Minnesota—before that, immediately?—A. Now, we had been in Minneapolis several times.

Q. Recently—that is, after you had noticed this advertisement—were either of you here in Minneapolis?—A. No, sir; I though you meant before.

Q. Was anybody from this vicinity, interested in that sale, down at Wausau to see you? I mean to see what you express as "we"?—A. Was there anybody from Minneapolis?

Q. From this vicinity. Any lumbermen interested in that sale down there to see you or either of you?—A. Not to my knowledge. Not to see me, I know.

Q. Did you have any correspondence relative to the sale, with anybody? I speak, now, of you. I include C. J. Winton and you.—A. Of course it is rather difficult for me to answer for C. J. Winton. I am satisfied he didn't, and I know I didn't.

Q. You didn't? After you arrived at Crookston, were you and Mr. Winton, all the while—now this is C. J. Winton I mean—all the while together?—A. Why no; not all the time.

Q. Did you occupy the same room or sleep in the same bed?—A. I think we did sleep in the same bed.

Q. And, consequently, I suppose, you occupied the same room?—Yes; the beds were not very easy to get there at that time.

Q. Did you separate from each other at any particular time?—A. Oh, we were separate a great many times.

Q. If Mr. C. J. Winton had any communication, then, with anybody else you would not necessarily know of it?—A. I would not necessarily know it; he might have had.

Q. He might have had? How extended an interview might he have had with anybody else and you not know of it?—A. Why, I can't answer that. That is a long while ago. I know we wasn't together anywhere near all the time.

Q. What was he about, so far as you know, while you were attending to your part of the business?—A. Well, there was part of the

time that we didn't have any business to attend to, only wait for the sale.

Q. He was around getting aquainted and talking?—A. Yes; he knew the people better up there.

Q. And you didn't?—A. I didn't know anybody particularly, only by reputation.

Q. Who did the bidding at the time the sale came on, between you and C. J. Winton?—A. Well, now, right here I think I ought to explain a little further. This is drifting here in a way—taking up the matter from the time we left Wausau to come over here to the sale, or while our men were in the woods cruising this land, we interested another man with us to buy; to come over and buy with us and participate in our purchase; that is, use the information that we were getting from our men; and we interested him so that we could buy more land if we could get it. I refer to Mr. Walter Alexander.

Q. Where did he live?—A. At Wausau, Wis.

Q. Go ahead.—A. The reason I refer to that is, I think Mr. Winton and Walter Alexander bid in these lands; did the actual bidding.

Q. Did they bid them in in your name?—A. Bid them in my name.

Q. Why was that?—A. Why, I don't know of any particular reason; only they had to be bought in somebody's name. I presume they decided on mine.

Q. They did the work and gave you the honor—is that the idea—or responsibility, or whatever it is? I do not mean to be sarcastic at all. I am not treating the matter facetiously.—A. I can not answer that question.

Q. You don't know what was intended?—A. No.

Q. Well, now, was Mr. Alexander, so far as you know, acquainted up here in Minnesota?—A. I think he was.

Q. Was he a capitalist, or merely an investor, like yourselves, or what?—A. He is a manufacturer.

Q. Oh, a lumber manufacturer?—A. Yes, sir.

Q. Was he interested in any of the lumber companies up here, in manufacturing, at that time?—A. I am not certain whether he was interested at Thief River Falls at that time or not. If he wasn't, he is now.

Q. He is now?—A. He is now, and may have been then.

Q. Any other companies that he was interested in then—not now, but then?—A. Nothing in Minnesota that I know of.

Q. Well, I don't care about any other State.—A. Nothing that I know of now. He may have been. He is a man of quite large interests.

Q. You don't know, then, whether he was interested in the Thief River Falls Co. or not, at that time?—A. I think he might have been. He is interested now.

Q. Well, between you, you had what you might call a little pool; a side pool, or arrangement between yourselves, to share and share alike?—A. Yes. I don't think we would call it a "pool."

Q. No. I don't know what you would call it. There were two of you representing one half interest and he representing the other half interest?—A. No.

Q. What was your arrangement?—A. We were in there together. There was about—I am not able to state on what terms he was in. We didn't know what we were going to get when we came over here.

Q. Well, now the point I am getting at is this: Did you, directly or indirectly, enter into any combination or pool with other buyers, lumbermen or investors, merely for the purpose of refraining from bidding against each other and each taking a share of the timber acquired—not any definite share, but take some share of the timber acquired? I am speaking for yourself, now—you personally—no other person.—A. I entered into no arrangement with anyone in regard to the Crookston land sale, except as I have outlined here—as I have given you here.

Q. Directly or indirectly, so far as you know?—A. Directly or indirectly.

Q. Certain lands were bid off. I will pass that by. You appear to have been interested in the purchase of approximately 60 forties which were purchased by somebody in your name; I am merely improvising a question now. When the Secretary of the Interior required a sworn statement showing by affidavit that you, as the purchaser of certain timber at this sale, did not enter into any combine of agreement with anyone else, you made an affidavit to the same effect you now testify, did you?—A. I made an affidavit; yes.

Q. That you did not?—A. That I did not.

Q. Did you in that affidavit, Mr. Gilbert, state that you were the trustee for yourself and other parties and furnish any affidavit that they did not? That is, affidavits from them?—A. I don't think I stated anything of that kind. I don't know.

Q. Then, in truth, the Government might have been deceived, that is, the Secretary of the Interior might have been deceived in the apparent record showing that you purchased all of this timber and were the sole and only purchaser of the timber, when in truth you were a trustee for two or more other persons and yourself, who, in fact, did the bidding, but bid in your name; you might have misled the Secretary as to the real truth, perhaps unintentionally, of course, not looking that far in regards to the question of the combine, might you not?—A. I don't know how full that affidavit was. I haven't a copy of it nor I haven't seen it for some time.

Q. Well, perhaps I——

Mr. BURCH (addressing Mr. O'Brien). Will you get a copy of that affidavit? I hope you can read it. I haven't read it myself.

Copy of affidavit is produced by Mr. O'Brien and handed to witness, who reads it and hands it back to counsel.

Q. (To the witness.) You have read the affidavit, or rather the copy of it?—A. Yes, sir.

Q. Have you any doubt as to the genuineness of this copy?—A. No; I have not.

Mr. BURCH. The affidavit may be read. I would suggest that the reporter will prefer taking this by having somebody read it that can read it. I haven't read it and don't know as I can read it.

Said affidavit here read by Mr. Gordon Cain.

By Mr. BURCH:

Q. Now, Mr. Gilbert, in this affidavit made to satisfy the requirements of the Department of the Interior regulations, you invariably state in this affidavit, which was the proof you submitted to show that the sale had been regular, you invariably speak of yourself as purchaser in the first person, "I." Now in truth you have stated—

in fact you have stated here that you were concerned with Mr. Winton and Mr. Alexander. Did you know what the requirements of the law were, or the regulations were in respect to making this proof, at the time you made this affidavit, and did you file this affidavit for the purpose of complying with those regulations?—A. Did I know, did you ask?

Q. Yes. Did you know that it was required to make proof that you as purchaser had not been in any combine?—A. I understood that the Secretary of the Interior, or the Interior Department, had been informed that there was a combine or collusion and that each purchaser had to make an affidavit that he was not in that combination, in a combination, before the patents would issue; and the fact that I was not in a combination was the important matter in the affidavit, so far as I looked on it at that time. I being purchaser of record was the real purchaser. I did not probably distinguish between the fact that being the purchaser of record and—it was the purchaser of record that had to make the affidavit.

Q. Are you sure of that?—A. I think so. I think that was the requirement.

Q. I do not think so. No matter about that; we will not discuss it.—A. I may be mistaken about that.

Q. In truth and fact—we will not discuss that question—in truth and fact, then, either or both of the other parties interested in this might have been engaged and might have thoroughly made an arrangement for a combination with other parties, which you truly knew nothing of and respecting which you were entirely innocent personally, which controlled the bidding they did in your name, and so far as the requirements, the real requirement of the Secretary, namely, to know whether it was an honest sale or not, your affidavit would be distinctly deceiving to him, would it not, so far as his requirement to know what the truth was respecting that portion of the sale; your affidavit might have been distinctly deceiving and incorrect?—A. Well, possibly; that is a possibility, I presume. It is a matter—I should judge from the affidavit——

Q. Now, I notice, Mr. Gilbert, that you purchased at that time—that is, that there was purchased in your name for you by three parties, you being what you might term the record purchaser, 2,337.56 acres; I have briefly arrived at the conclusion in my head that it was approximately 60 forties. That the estimated value was $28,727, and that you paid for those lands $30,349, a difference, we will say, of $1,500 or $1,800—that is, you paid more than the estimated value.—A. The appraised value?

Q. The appraised value. The appraised value. Did you notice when the other gentlemen of your crowd, I will put it, Mr. Alexander or Mr. Winton, were bidding, any serious opposition to your bids?—A. I think there was frequently quite a number of bids.

Q. Now, taking it for granted that there were approximately 60 descriptions, or forties, and that the difference was that between $30.349 and $28,727, a difference of $1,622 approximately on the 60 descriptions, you must have paid on the average about $27 per description more than the appraised value. Could there have been very spirited opposition on those descriptions and you only have given $27 on the average more than the appraised value on a forty?

Do you think that would be considered as "spirited opposition"?—A. It might have largely been on some particular forty.

Q. On some particular forty?—A. I don't remember sufficiently clear to state how much opposition there was.

Q. Now, what did you do with the land?—A. The land remained in my name until, I should say, 1904. I am not certain as to that date though—am not certain just when it was sold.

Q. To whom?—A. I don't know who the grantee was. I did know at the time, but you have an abstract of it here.

Q. Yes; we have abstracts that would indicate, but I did not know but you knew offhand.—A. I don't know offhand who the purchaser was.

Q. Who sold it, then?—A. The negotiations were made by Mr. Winton.

Q. C. J. Winton?—A. Yes, sir.

Q. And you merely deeded it over and took your share of the profit?—A. I merely deeded it over and took my share of the profit.

Q. Well, when it was sold, do you know what it was sold for?—A. The amount?

Q. Yes.—A. I don't know the exact amount.

Q. Well, approximately?—A. I know that the profit on the deal was, as I remember it, about eleven thousand dollars—eleven or twelve thousand dollars. Now, I am not awfully clear on that, but that is about it.

Q. To each person?—A. No, sir.

Q. For the pool or for the number?—A. For the land.

Q. Do you know how many million feet were estimated as being on the land?—A. I do not.

Q. You don't know, then, that, as a matter of fact, it estimated out after it was purchased at 19,000,000 feet?—A. I do not.

Q. Instead of the estimated amount, which would have been at $3 a thousand, about 9,000,000 feet?—A. No, sir.

Mr. GRAHAM. Judge Burch, when you said, "it estimated out so many million feet," did you mean measured out or was that simply an estimate?

Mr. BURCH. We simply have information, Mr. Chairman, that they got 19,000,000 feet of pine by this purchase, which would make it come, at the price they paid for this, $1.60. Now, it may be true. I am trying to test his recollection, and he knows nothing about it.

Q. Now, I don't know, Mr. Gilbert, that I have anything more.

The WITNESS. Who was the grantee in that deed?

Mr. O'BRIEN. Nichols-Chisholm Lumber Co.

The WITNESS. No; I don't think so.

Mr. O'BRIEN. No; Hovey C. Clarke, and from Clarke and the Nichols-Chisholm Lumber Co. to the Minneapolis Trust Co. as trustees.

The WITNESS. Who was my deed to?

Mr. O'BRIEN. It was to Mr. Hovey C. Clarke.

The WITNESS. I didn't know that.

Mr. BURCH. We will put the witness on who informed us, probably, during the course of this hearing at some time or other; I won't mention who it was, and if he does not come through I shall at this time ask the committee to pay no attention. I was only stating the reason why I was asking him the question.

Mr. GRAHAM. Well, it is only a statement. It is not evidence yet.

Mr. BURCH. It is only for the purpose of drawing his conclusion, that is all.

Witness excused.

JOHN J. LYNCH, recalled, testified as follows:

By Mr. BURCH:

Q. Mr. Lynch, I was attracted very much by a statement which you made before the noon intermission, to the effect that there was not much doing in agriculture and general endeavor, except in an educational way, on the part of the young people now as 20 years ago; if I understood it correctly.—A. That is my impression.

Q. I want to ask you—I will change that and say that I will ask you now—I will ask you now what in your opinion is the reason why they have retrograded on the White Earth Reservation as to agriculture and general endeavor and uplift during these 20 years. I would like your full and complete opinion about that, if you will give it.—A. I think that perhaps the first cause of that is that the Government has not taken as active a part in tutoring them and assisting them as they did in former times, and that the disposal of their lands and thereby their improvements, has had an effect along that line also.

Q. In what way?—A. Eliminating the lands from them, taking the lands away from them, and selling the lands; left them without any lands, and possibly the acquisition of wealth; and from the sale of those lands a better opportunity to live without work and——

Q. And dissipate?—A. And dissipate.

Q. Do you know of sundry efforts that have been made to satisfy them that their tribal funds may soon by Congress be distributed among them, and of estimates of large amounts from twelve to thirteen hundred dollars up to three or four thousand dollars per capita that have been made. Have you heard of such representations that have been made to them?—A. Why, I have heard rumors of such a fund and of such a possible payment and of such a possible segregation of those funds.

Q. Has that had any effect upon the Indians to keep them from endeavoring—from work, with the expectation of getting money?—A. Possibly so. I could not say positively that it was.

Q. Well, just go on and state in your own way what you think are the reasons for it.—A. I think that the policy of holding out something to them in expectation all the time has had a degrading influence.

Q. Kept them from work?—A. Yes, sir. I will cite an immediate instance. There is a little payment that is going on right now that was scheduled to come off a couple of months ago.

Q. An annuity payment?—A. Yes. They all stand around there with their hand out to receive it and do nothing till they get it—a couple of months. I don't know whose fault it may be that they did not get it at the time expected, but they stood around expecting it and didn't get it.

Q. That was only about $10 each, or something like that?—A. Yes; something like $10 each.

Q. Has the proximity of liquor had anything to do with it, in your opinion?—A. It may have. Liquor has been used quite freely at all times, though, since I became identified with the reservation.

Q. Have you practically given your full opinion in regard to that—that is, all of your theories or ideas in regard to the effect? Are there any other depressing or demoralizing influences that you know of that have had a tendency to thus retrograde the movement? If so, state them.—A. There may be other trivial things that contribute to their indolence, but I don't know of anything specific.

Q. Very well. That is all.

By Mr. GRAHAM:

Q. Mr. Lynch, what is the source of this expectation as to the division of their tribal funds; do you know?—A. What is the source of the rumor?

Q. What is the source of the rumor, or the belief, or whatever it is?—A. I could not say, positively, but it seems to have permeated the atmosphere pretty thoroughly up there in that country, however.

Q. It would have to come through congressional action. Has there been any?—A. I believe there was an act passed a couple of years ago, or three, for the segregation of the funds and the possible payment of it to the individuals.

By Mr. BURCH:

Q. Why, don't you know there is a bill pending now called the "Steenerson bill"?—A. I think there was one passed, Mr. Burch, two or three years ago.

Q. No.—A. I may not be right on that.

By Mr. GRAHAM:

Q. You don't mean that it became a law, do you?—A. I believe it did.

Mr. BURCH. No, no; I think you are misinformed.

A. All right.

By Mr. GRAHAM:

Q. Has that subject been a subject of public discussion on the reservation?—A. Yes.

Q. Has it been talked on at public meetings?—A. I don't recall that it has; just general rumor.

Q. In what way? Has it been talked in country stores or in more formal gatherings?—A. Well, I don't know that I ever heard it discussed at any formal gathering. Just incidentally on street corners, in stores, and places.

Q. Well, Mr. Lynch, so far as you know, how general is the belief, if it amounts to a belief, that this fund will soon be distributed?—A. I think it is the general belief.

Q. Among the Indian people?—A. Yes. The more intelligent ones do not regard it as so imminent, but the rank and file of the Indians do think it.

Q. Would you consider it a good thing for the Indian to have it distributed?—A. That is a pretty hard question for me to answer. It would be a benefit to some and an injury to others.

Q. From your knowledge of them there, what probable use would be made of it?—A. A great percentage of it, if universally distributed, would be squandered.

Mr. GEORGE. Would be squandered?

A. Yes.

By Mr. GRAHAM:

Q. Well, could it, in your judgment, be used in some way so as to be beneficial to those to whom it belongs?—A. Yes; I think so.

Q. In what way?—A. I think if it were held in trust in some manner so that they could draw on it at intervals when really needed, it might be some benefit, particularly to the old and indigent people who have no other means of livelihood. Then there is another element that I believe could be safely intrusted with it, whether they squandered it or not. They are self-sustaining and capable, and if it is theirs it would do them no harm to receive it, while I believe there are some that it might do harm to receive it.

By Mr. GEORGE:

Q. Held in trust by the Government?—A. Yes; by the Government agent or banks, or somebody intrusted with it to give it to them at intervals when they needed it. I am speaking of the old folks in that behalf.

Q. Are there any indigent Indians on the reservation now?—A. Now?

Q. Yes, sir.—A. Why, yes; they maintain an indigents' home there that houses perhaps 15 or 20, 25 or 30.

Q. They are kept by the Government?—A. Yes.

Q. Do the people of Mahnomen County, the taxpayers of the county, have to contribute anything to the support of any of the Indians?—A. Not that I know of; I don't know of any.

Q. But there is now no way by which an indigent Indian on the reservation, however needy he may be, could get any part of the tribal fund, is there?—A. No way that I know of.

Mr. GRAHAM. You may ask any questions, Mr. Beaulieu.

Mr. BEAULIEU. Mr. Lynch, how long did you say you have been a resident upon the White Earth Reservation?

The WITNESS. If it please the court, I would prefer not to answer any questions that are propounded by Mr. Beaulieu.

Mr. GRAHAM. Mr. Lynch, you do us honor over much. We are not a court, and I am sorry you take that view of the matter. Could you not waive any feeling——

The WITNESS. Well, I have sufficient reason for taking the ground, Mr. Chairman, or I would not. It would be so repulsive to me to answer him that I could not consistently do it with any grace or any benefit to this committee.

Mr. BEAULIEU. Now, Mr. Chairman, I believe that the objection of Mr. Lynch to my asking him any questions is because I am thoroughly familiar with all his operations and the operations of the reservation generally.

Mr. GRAHAM. Yes.

Mr. BEAULIEU. And therefore I believe that he don't want to answer my questions because I would bring out a great many facts here.

Mr. GRAHAM. Just one minute. Mr. Lynch, have you any suggestion to make as to some other way by which the matter can be accomplished?

The WITNESS. I would answer any question that you may see fit to ask me, and if you can get any information from him that is of any value to you that you want me to elucidate I will answer.

Mr. BEAULIEU. Mr. Chairman, if he does not want to answer my questions, I would like to submit these questions for you to ask him, if you will.

Mr. GRAHAM. Are you an attorney, Mr. Beaulieu?

Mr. BEAULIEU. No, sir; I am not.

The WITNESS. What is this man's status before this investigation?

Mr. GRAHAM. Well, Mr. Lynch, I don't like to go on the witness stand myself.

The WITNESS. All right.

Mr. GRAHAM. But you have been so very courteous and so very intelligent up to this time that I don't mind saying to you why I think Mr. Beaulieu has a right to ask some of the witnesses questions. Throughout this investigation, up to this time, very much of the evidence produced has been aimed in his direction, and he was present a part of the time at the hearings we held in Washington and was permitted by the full committee to ask some questions.

Mr. BEAULIEU. No; I think you are mistaken.

Mr. GRAHAM. Oh, yes; Mr. Steenerson acted for you. I beg your pardon, I am mistaken about that. It occurred to me, however, that he was the subject of so much comment and so frequently mentioned in this connection that if he were not represented by an attorney it would not be improper, within reasonable bounds, to let him ask questions himself. I freely say to you that I would not want him to wander aimlessly all over every subject and fill the record with stuff that would not shed any light on the questions we are trying to investigate. I would like very much if you could see your way clear on behalf of the committee, if you could see your way clear, to answer proper questions.

The WITNESS. In that connection I would suggest this at least, that Mr. Beaulieu's assertion that he might ask questions that I do not want to answer, is not a fact. The facts are, if you wish to know them, our personal differences which Mr. Beaulieu and I have had for the past five or six years are quite grievous. Some of these are hardly fit subjects to introduce into this hearing, and unless you insist——

Mr. GRAHAM. I don't want to know. For our purpose it is enough to know that there is personal bad feeling between you and him, but this is formal and official, and if you wish it I will use the questions which Mr. Beaulieu has handed me, and if they seem proper, I will—I really would like very much if we could get on with this.

Mr. BURCH. Mr. Lynch, I also think that it is Mr. Beaulieu's right and privilege to ask questions, and I think you ought to waive, under these circumstances, your personal differences, and answer any reasonable and respectable question that may be asked you. You might anticipate something that is not coming in reality from Mr. Beaulieu, and he might be perfectly satisfactory in his questions to you. At least I would wait until something else might develop.

Mr. LYNCH. It is not anything that he might introduce now. It is my repulsiveness for the man. I prefer not to answer him directly. You may lead a horse to water but you can not make him drink.

Mr. BURCH. Of course it all lies between the committee and you.

Mr. GRAHAM. These questions, so far as I have followed them, seem to be very fair questions.

The WITNESS. All right, Mr. Chairman, proceed with them.

Mr. GRAHAM. That is not quite the thought in my mind. I think, when you take a second thought about it, you will admit that your position is hardly tenable. Suppose your case now would be accepted as a precedent by the committee. What position would we be in?

The WITNESS. With all due consideration to the committee and all due courtesy to the committee, I can not and will not answer Mr. Beaulieu.

Q. Would you take that position in a court?—A. I am going to take that position regardless of costs.

Mr. BURCH. I suggest, Mr. Chairman, respectfully, that the matter be passed for the committee's consideration and for Mr. Lynch's until a later hour; perhaps until morning. He may think better of it.

Mr. BEAULIEU. Mr. Chairman, if you will permit me to read these questions over, I want them put in the record.

Mr. GRAHAM. Not just now, Mr. Beaulieu.

The WITNESS. Mr. Chairman, I will see you at the intermission after this session and will talk with you; and if you, at the conclusion of my talk with you, think I should then testify, I will do so.

Mr. GRAHAM. I am sure as a man of sense you must see the embarrassing position you put the committee in if you refuse to testify.

The WITNESS. I really do, and am sorry to be placed in position to have to do it.

Mr. GRAHAM. The committee will postpone the consideration of the matter and will take it up again.

Mr. BEAULIEU. Mr. Chairman, I presume it will not be improper for me to ask to be present when Mr. Lynch has his conversation with you.

Mr. GRAHAM. I do not want to umpire any difficulties up here in Minneapolis. I would rather not discuss the matter now. I don't think the public is interested.

DAVID N. WINTON, sworn by Chairman Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name to the reporter.—A. David Nelson Winton.

Q. Where do you live, Mr. Winton?—A. Minneapolis.

Q. How long have you lived in the city?—A. Between three and four years.

Q. Prior to that where did you live?—A. I lived at Thief River Falls, Minn., in the northern part of the State, for about eight years.

Q. And in the State how long?—A. Eleven years.

Q. What is your present occupation?—A. Lumber manufacturer.

Q. Now, what does that include?—A. That includes everything that goes into the making of lumber, from the buying of the stumpage to the manufacturing it and shipping it on the cars.

Q. Of course, mostly logging and sawing?—A. Principally.

Q. How long have you been in that business?—A. Eleven years.

Q. All the time you have lived in Minnesota?—A. Yes, sir.

Q. Where are your mills located?—A. When you speak of mills, I have to answer of the mills I am interested in.

Q. Yes.—A. Thief River Falls and Bemidji, in this State.

Q. How many have you?—A. Well, I am interested in one in Prince Albert, Saskatchewan, and Rose Lake, Idaho, also.

Q. That would make four separate properties you are interested in?—A. Yes, sir.

Q. Are they corporations or partnership concerns?—A. All corporations.

Q. Are you personally active in the management of them or any of them?—A. Yes.

Q. How many?—A. All.

Q. In what way do you actively participate?—A. In the laying out of the general policy of the business.

Q. I know, but are you an officer of the company?—A. An officer of all of them.

Q. In what particular line is your specialty?—A. Well, purchasing of timber and the seeing that the logs are gotten to the mill properly and manufactured and put on the car; general supervision of the whole thing.

Q. Is the lumbering industry here in Minnesota increasing or decreasing?—A. I should say it was decreasing.

Q. For the want of supplies?—A. Yes, sir.

Q. The timberland is being used up?—A. Yes, sir.

Q. What effect has that on the price of stumpage?—A. Well, of course, the natural tendency is to raise the price of stumpage, if there were no outside factors entering into it, but there are outside factors which have more to do with the price of stumpage than the decreased supply.

Q. What is the price of stumpage as compared with 10 years ago, regardless of the 10 years' growth; for instance, take a 40-acre tract of timber 10 years ago and the same tract now, in the same condition as then, what would the difference in value be?—A. I should think it would be worth from 100 per cent to 200 per cent more now than then.

Q. To what extent does the growing scarcity of timber bring that result about?—A. Well, that is a very hard question to answer. There are so many factors entering into it.

Q. Well, what other factors enter into it?—A. Competition with other sections of the country, the coast and the mountain mills in the West, the yellow pine in the South are the principal factors, and the hemlock in Wisconsin.

Q. Is there any material difference in the cost of shipping the logs and the lumber?—A. Oh, yes; yes.

Q. You have an advantage over those who ship the logs a long distance and then manufacture them, haven't you?—A. Well, the most of our logs come a great distance to the mills.

Q. How far?—A. Well, at Thief River Falls they come on an average of 125 miles, I should say.

Q. How would you get logs from, say, the White Earth Reservation to your Thief River Falls mill?—A. Well, there would be two ways; put in a railroad into the White Earth Reservation and connect it with the "Sioux" road; that would be the only way to get them to Thief River; put a branch railroad in and haul them and ship them into Thief River.

Q. There is not a stream or water by which you could send them any considerable part of that distance?—A. Well, they might be possibly driven to the "Sioux" road. When I figured on it we didn't figure in that way of doing it; we figured on a railroad in there.

Q. Well, it is the usual plan of logging, isn't it, to build a temporary railroad, to get the logs to some convenient place?—A. That is, very often.

Q. Is your industry—I mean those with which you are personally connected—increasing their capacity or not?—A. They are not.

Q. Your Minnesota mills; how are they?—A. They are the ones to which I referred; they are not increasing; they are remaining stationary, their capacity.

Q. Do you run full capacity most of the time?—A. Most of the time.

Q. I presume you are the same Mr. Winton of whom we have heard in connection with the Crookston land sale, are you?—A. Possibly, and possibly not——

Mr. BURCH. No; it is his brother, C. J. Winton.

Mr. GRAHAM. Very well. Judge Burch or Mr. O'Brien may interrogate the witness.

Examined by Mr. O'BRIEN:

Q. Where you in 1900, Mr. Winton?—A. Wausau, Wis.

Q. You were not at the Crookston sale, were you?—A. No.

Q. Did you hear the Crookston sale talked over at any time subsequent to it, among the lumbermen, your acquaintances?—A. Well, I have heard it alluded to a great many times.

Q. Did you ever hear there was a pool or combination among the lumbermen at that sale?—A. Well, I have heard various talks that there was and that there wasn't.

Q. Well, in your opinion, was there or was there not, as a result of what you have heard and what you have seen?—A. I would not care to go on record one way or the other on that. I don't think, though, that there was what you mean by a "pool" transpired there.

Q. Well, to what extent do you think a pool did transpire there?—A. Well, now, that would be just belief, and I would not think it would be relevant at all.

Q. Well, state what your belief is in the matter, Mr. Winton.—A. Well, my opinion is that—do you just simply want my opinion of it?

Q. That is all.—A. That some men got together there and in a general way; they didn't cut each other's heads off.

Q. In other words, they didn't bid against each other to any great extent?—A. Well, yes; and no; I think they did to a considerable extent the first day. I think as Mr. Davies has testified; I think there was some spirited bidding.

Q. That was only against Mr. Davies and other independent bidders, was it?—A. Well, I guess there was considerable heavy bidding there.

Q. Yes; but only as against the so-called independent bidders, like Davies and Mr. White?—A. Of course that is a matter of just opinion.

Q. Entirely your opinion, gained from what you have heard?—A. Well, from my opinion. Pretty nearly everyone that went up there

was crazy on buying timber. They wanted timber so badly that they were crazy.

Q. Now, whom do you believe was or were the parties to that combination or pool or whatever you wish to call it?—A. Well, I don't—I think that there were a hundred men there, from what I have heard, from 100 to 200—nearer 200 men, and a few more aggressive men, I should say, didn't cut each other's throats off in bidding.

Q. Well, did they apportion the territory?—A. I don't believe it.

Q. When was the first timber estimated in the four townships?—A. I could not tell. I know we estimated just before the sale.

Q. Do you know of any estimate upon the four townships as early as 1896?—A. I think there was an estimate at that time.

Q. Whose estimate was that?—A. I am not able to say; I don't know who made it.

Q. Do you know Mr. Hovey C. Clark?—A. Yes, sir.

Q. Who is Mr. Clark?—A. He is a very prominent man here in Minneapolis.

Q. He is reputed to be a wealthy lumberman?—A. Supposed to be.

Q. Did you know Mr. Thomas Shevlin?—A. The Mr. Shevlin that is now living?

Q. No; Mr. Shevlin, I understand, has recently died.—A. Yes: I knew him.

Q. He was also a very wealthy lumberman?—A. Yes, sir.

Q. Were Mr. Shevlin and Mr. Clark generally known to have been interested in the timber world?—A. There was no place where it was offered for sale but that they went after it that I know of.

Q. Do you know Mr. J. A. Nichols?—A. Yes.

Q. Who is Mr. Nichols?—A. He is manager of the Nichols-Chisolm Lumber Co. at Frazee.

Q. He was also interested with Mr. Clark and Mr. Shevlin at that time, was he not?—A. Yes, sir.

Q. How was Mr. Nichols regarded among the lumbermen with reference to his ability to handle timber on Indian reservations?—A. He was supposed to be a very good man.

Q. In securing timber from the Indians?—A. I don't know especially about Indians, but he is supposed to be an A1 timberman.

Q. Isn't he also considered an A1 Indian man?—A. Well, I would imagine that he was.

Q. Your brother secured some pine with Mr. Gilbert, did he not, in that Crookston sale?—A. Yes, sir.

Q. How much did he secure?—A. Well, now, that is a matter that I could not tell you, only just in an indefinite way, Mr. O'Brien. When you came to my office at one time and asked me a question of that kind—which I think you did—any report that I gave you then would be just the same as I give you now. I have never seen any estimates that we had on that timber; how much that was would be just simply a mere guess for me to say; whether 10,000,000 or 20,000,000; it would be a mere guess on my part, whether it was 10,000,000 or 20,000,000.

Q. Will you state, then, Mr. Winton, the number of million feet you told me at the time I called upon you your brother and Mr. Gilbert had secured?—A. That is something that I don't remember at this time, Mr. O'Brien.

Q. Was it 19,000,000 feet?—A. I can't remember what I told you.

Q. Well, doesn't that refresh your memory at all?—A. No; it does not.

Q. With whom did you discuss the subject of the Crookston sale, and from whom did you get the impression that the lumbermen who bid there were not disposed to cut each other's throats, as you expressed it?—A. Well, one of the principal reasons I got that opinion was the amount of timber we got.

Q. Well, what do you mean by that?—A. Well, I mean that if all of them had bid for the timber as actively as we did, there would not have been enough to go around.

Q. As actively?—A. Yes.

Q. You mean, if each had secured as much as you did?—A. Yes; and we paid a pretty good price for that timber.

Q. Well, how could you say that you "paid a pretty good price for the timber" when you don't know how much was secured?—A. Well, I remember very distinctly, after we got the timber, that it was a great question whether we hadn't made a mistake in buying the timber or not. Now, I think we would have been very glad—we felt we had gone too far on the proposition, paid too much, on a considerable portion of that timber.

Q. You were interested in this purchase at the Crookston land office with your brother and Mr. Gilbert?—A. Yes, sir.

Q. Well, now, I don't believe that you have yet answered the question which I asked you a very short time ago, as to who it was that told you, or who you heard say, that the lumbermen who attended the sale at Crookston were not disposed to cut each other's throats. Where did you get that information?—A. Well, now, I don't remember that, Mr. O'Brien—where that impression came to me first. It was 12 years ago. But it is very vivid in my mind that that is the—but where I first got that impression I couldn't tell you.

Q. Then the information that you have regarding that sale came to you in the due course of your business, did it not?—A. Yes, sir.

Q. You were interested in that purchase?—A. Yes.

Q. And talked with Mr. Gilbert and your brother regarding the purchase—regarding the sale?—A. Yes, sir.

Q. Did your brother ever say anything to you about having been disposed to forbear in his bidding at the Crookston sale?—A. I don't remember that he did.

Q. You can not quote anyone as having been the person who told you that the lumbermen there were not disposed to cut each other's throats?—A. No.

JOHN J. LYNCH recalled.

Mr. GRAHAM. Mr. Lynch, the chairman asks you to relieve the committee of a very embarrassing situation, to waive your present feelings, and let Mr. Beaulieu read the questions to me, and I pass upon them, and I ask that you answer them.

Mr. LYNCH. All right, Mr. Chairman.

Mr. GRAHAM. Mr. Beaulieu, will you read the questions you have prepared, and the chairman will pass upon them seriatim.

Mr. BEAULIEU. How long did you say you had been a resident upon the White Earth Reservation?

Mr. GRAHAM. Please answer that, Mr. Lynch. You may answer that.

The WITNESS. Fifteen or sixteen years.

Mr. BEAULIEU. So that everything you have testified to about the conditions there are from personal knowledge?

Mr. GRAHAM. The question is, Is everything you testified to testified to from personal knowledge?

The WITNESS. Yes.

Mr. BEAULIEU. You testified this forenoon that the Indians at White Earth are doing less farming to-day than they did 20 years ago. How did you acquire this knowledge?

Mr. GRAHAM. You may answer, Mr. Lynch.

The WITNESS. By seeing the farms at that time and now.

Mr. BEAULIEU. May I go outside of that? He says that he was there 16 years, and he testifies to know——

Mr. GRAHAM. What was the question you have in mind?

Mr. BEAULIEU. I want to find out from him how he acquired the knowledge prior to 16 years, which is 4 years before he moved to the reservation; he testified directly.

Mr. GRAHAM. If you know, Mr. Lynch, tell the committee how you are enabled to compare the present time with 20 years ago.

The WITNESS. By having seen the conditions at both periods.

Mr. BEAULIEU. You stated that you had been a resident of White Earth 16 years. Were you ever there prior to 16 years ago?

The WITNESS. Yes.

Mr. BEAULIEU. How long prior?

The WITNESS. Five years.

Mr. BEAULIEU. How many Indians were there upon the White Earth Reservation 20 years ago?

The WITNESS. Presumably 1,500 to 2,000.

Mr. BEAULIEU. How many are there on that reservation to-day?

The WITNESS. In the neighborhood of 5,000.

Mr. BEAULIEU. How much land was under cultivation upon the White Earth Reservation 20 years ago?

The WITNESS. I do not know.

Mr. BEAULIEU. Even 15 years ago?

The WITNESS. I don't know; nor you.

Mr. BEAULIEU. How much land is being cultivated by the Indians to-day. I mean by this, mixed bloods as well as full bloods?

The WITNESS. I do not know.

Mr. BEAULIEU. Do you know how much land has been sold, approximately, during the last five or six years upon the White Earth Reservation?

A. No, sir.

Q. Or since the Clapp Act was passed?—A. No, sir.

Q. What was the usual price paid for good agricultural land on the reservation under the Clapp Act?—A. I doubt if anybody knows that.

Q. What was the price paid for these lands under the inherited-land act and which was sold by the Government, if you know, and the price under the Nelson Act?—A. What "Nelson Act" do you refer to?

Q. Act of 1889.—A. I did not know there were any lands sold under it.

Q. Do you know how much land is under cultivation to-day upon the White Earth Reservation?—A. No, sir.

Q. Were there more lands being used by the full-bloods as farms prior to the Clapp Act than there are to-day?—A. I don't know. I have no means of knowing who are full-bloods and who are not.

Q. What has been the effect of the Clapp Act upon the White Earth Reservation? Has it been beneficial to the Indians generally, or an injury?—A. That would depend upon the point of view.

Q. What per cent of Indians were there employed at White Earth prior to the Clapp Act?—A. I do not know.

Q. Were there any?—A. At what?

Q. Employed?—A. At what?

Q. Well, at anything?—A. Yes; every time a man works he is employed, whether he has an employer or not. If he works, he is employed.

Q. That is not the question.—A. Make the question so I can understand it.

Q. What percentage of Indians were employed at White Earth Reservation prior to the Clapp Act?—A. At what business?

Mr. GRAHAM: Do you mean employed by others—by some one else than himself?

Mr. BEAULIEU. He answered this other, the first question just before that. Of course, I will take his answer.

Mr. GRAHAM. If you have some other thought in your mind that his answer did not cover, state it.

Mr. BEAULIEU. Were any of them employed in farming generally?

A. On their own farms, or otherwise?

Mr. BEAULIEU. Well, on any farms; on anybody's farms.

A. Some of them were doing desultory small farming.

Mr. BEAULIEU. Were any of them employed in lumber camps?

A. Yes.

Mr. BEAULIEU. About how many were employed there?

A. At what time? When? What year?

Mr. BEAULIEU. Prior to the Clapp Act, is the question.

A. The first year prior to the Clapp Act, or 10 years prior to the Clapp Act?

Mr. BEAULIEU. Well, at any time, the first year or 10 years.

A. These things fluctuate. They are not employed in the same ratio each year. Make it definite.

Mr. BEAULIEU. Well, how many were employed in the lumber camps in 1905?

A. I do not know.

Mr. BEAULIEU. How many in 1904?

A. Don't know.

Mr. BEAULIEU. In 1903?

A. Don't know.

Mr. BEAULIEU. In 1902?

A. Don't know.

Mr. BEAULIEU. In 1901?

A. Don't know.

Mr. BEAULIEU. Were there any?

A. Yes.

Mr. BEAULIEU. In whose camps?

A. Various persons' camps.

Mr. BEAULIEU. Will you name some of them?

A. I might name the Nichols-Chisolm Lumber Co.'s camp; I might name the Wild Rice Lumber Co.'s camp; I might name several desultory little lumbering companies' camps that I do not recall, that I do not know the names of technically.

Mr. BEAULIEU. Do you know how many camps the Nichols-Chisolm Lumber Co. operated prior to 1905 on the reservation?

A. No.

Mr. BEAULIEU. Do you know how many the Wild Rice Lumber Co. operated prior to 1905?

A. No.

Mr. BEAULIEU. Do you know whether any of the Indians are today employed in those lumber camps?

A. I believe there are some.

Mr. BEAULIEU. Do you know what percentage there are of the Indians of the reservation?

A. No.

Mr. BEAULIEU. Well, do you know whether the lumber companies employ any Indians to any considerable extent upon the reservation?

A. Yes.

Mr. BEAULIEU. Do the white farmers who have acquired lands by purchase under the Clapp Act employ any Indians upon their farms?

A. I presume so; I haven't any personal knowledge.

Mr. BEAULIEU. Now, you stated in your direct examination, that you had been a land buyer. Where did you buy lands?

A. I bought some lands on the White Earth Reservation.

Mr. BEAULIEU. From whom did you buy the lands there?

A. Indians.

Mr. BEAULIEU. Could you give the names of any of them?

A. Yes.

Mr. BEAULIEU. I wish you would give the names of those from whom you bought the lands.

A. Katharine Roy.

Mr. BEAULIEU. Anyone else?

A. Guess no other Indians.

Mr. BEAULIEU. Do you know an Indian named Maudash, up there?

A. Yes.

Mr. BEAULIEU. Did you ever buy any land from him?

A. No.

Mr. BEAULIEU. Did Mrs. Lynch buy any lands upon the White Earth Reservation?

A. I believe so.

Mr. BEAULIEU. Do you know whom she bought them from?

A. Some of them.

Mr. BEAULIEU. Could you give the names?

A. Some of them.

Mr. GRAHAM. Is there any particular purpose in inquiring into Mrs. Lynch's affairs, Mr. Beaulieu?

Mr. BEAULIEU. I intend rather to show that Mrs. Lynch bought land from a man who was a full blood and that we were indicted for buying land from the same person afterwards.

Mr. GRAHAM. Oh, well, we are not going to review the criminal-court proceedings. Leave Mrs. Lynch out of the matter unless you give some better reason than that.

Mr. BEAULIEU. Very well, I will leave her for the present. Have any lis pendens or other writs been filed against the lands you have purchased?

A. That I have purchased?

Mr. BEAULIEU. Yes.

A. No.

Mr. BEAULIEU. You say you were in charge of the sawmill at White Earth for 28 months. Was this employment under the authority of the Indian Office at Washington?

A. I presume so.

Mr. BEAULIEU. During this time how much lumber did you manufacture?

A. I don't know.

Mr. BEAULIEU. From what funds were the expenses of the sawmill paid?

A. I don't know.

Mr. BEAULIEU. How much of this lumber was used to build houses for the Mille Lac Indians?

A. I don't know.

Mr. BEAULIEU. Do you know who had charge of the building of these houses?

A. Simon Michelet and John R. Howard.

Mr. BEAULIEU. Was any of the lumber you sawed used for agency purposes?

A. I believe so.

Mr. GRAHAM. What would that mean, Mr. Beaulieu, "agency purposes"? Was not the building of houses an agency purpose?

Mr. BEAULIEU. No; the building of houses for Mille Lac Indians was not considered an agency purpose.

Mr. GRAHAM. What would be an agency purpose?

Mr. BEAULIEU. For buildings around the agency to be used by the Government.

Mr. BEAULIEU. Where was this used, and who hauled it?

A. What is the question?

Mr. BEAULIEU. Where was this used, and who hauled the lumber from the mill?

A. Why, I don't know where it was used nor who hauled most of it.

Mr. BEAULIEU. Did you have a team constantly employed hauling lumber to the agency and elsewhere?

A. No.

Mr. BEAULIEU. Did you employ a teamster with your team hauling lumber?

A. Sometimes.

Mr. BEAULIEU. Well, then, you did haul some lumber?

A. Yes, sir.

Mr. BEAULIEU. What is the name of your teamster?

A. I had various teamsters, at various times, in various years, for various purposes.

Mr. BEAULIEU. Was not Jesse Porter your teamster for several weeks?

A. What doing?

Mr. BEAULIEU. Was he not your teamster for several weeks?

A. I have a right to have teamsters without telling you what I have them for or not for, doing my own work. I asked you for what purpose.

Mr. BEAULIEU. That is, during the time that your team was hauling.

Mr. GRAHAM. But how could it be material to this inquiry, Mr. Beaulieu, if he had somebody employed driving a team that was in no way connected with the Government service? We do not want to conduct any impertinent inquiry into a man's private affairs that do not affect the Government service in any way.

Mr. BEAULIEU. I think the agency records will show that Jesse Porter was employed as a teamster for Mr. Lynch for a number of weeks, and during that same time he was reported to be drawing a salary of $4 a day as a mechanic at the mill.

The WITNESS. Both assertions are wrong.

Mr. BEAULIEU. I ask the question and will give——

The WITNESS. I make a rebuttal to it.

Mr. BEAULIEU. I want to ask that question.

Mr. GRAHAM. Can you define your question in some way so as to confine it to a Government employment for Mr. Porter?

Mr. BEAULIEU. Why, yes; I can ask the question.

Mr. GRAHAM. Well, do that.

Mr. BEAULIEU. Only I am asking these questions because he testified to that on direct examination.

Mr. GRAHAM. I don't remember any such; but no matter. Go ahead.

Mr. BEAULIEU. Well, I ask him: Did you employ Jesse Porter as your teamster during the time that your team was hauling Government lumber?

A. When?

Mr. BEAULIEU. During the time that your team was hauling Government lumber?

A. What year? Make it specific. I am not answering anything but specific questions, and I want to be specific.

Mr. BEAULIEU. I can not recall just when you were employed.—A. Well, then, I can not recall myself.

Mr. BEAULIEU. What years were you employed as a superintendent of the mill?—A. I don't know.

Mr. BEAULIEU. You don't know?—A. I don't recall now. I haven't any data with me.

Mr. BEAULIEU. Well, during the time that your team was hauling Government lumber, was Jesse Porter reported as a mechanic at the Government mill?—A. No, sir.

Mr. BEAULIEU. Did you get a salary continuously while you were in charge of the mill, whether it was in operation or not?—A. No, sir.

Mr. BEAULIEU. Do you know when the last sawing was done by the White Earth sawmill?—A. No, sir.

Mr. BEAULIEU. Has anyone been there since; and if so—in charge of the mill—and if so, when? Has he drawn any salary to your knowledge?—A. I don't know.

Mr. BEAULIEU. Do you know whether anyone is in charge of the mill now?

A. I only believe it. That is subservient to knowledge.

Mr. BEAULIEU. You testified this forenoon that you had not heard of any scandal connected with the sawmill at White Earth.

A. I did not say anything about it.

Mr. BEAULIEU. What?

A. I did not.

Mr. BEAULIEU. I think the records will show that you testified to that.

A. Please dig them up.

Mr. GRAHAM. Well, you can frame your question without hunting up the record.

Mr. LYNCH. Mr. Chairman, the question this morning that I was asked was—if there was any scandal about—was what you misconstrued as broomsticks instead of boom sticks; and that is the question that was asked—if there was any scandal about the cutting of this timber—and at the time you asked the question I did not understand what you were getting at. Later on I explained that there was a scandal, so far as there was more green timber cut than the Government thought permissible.

Mr. GRAHAM. It is not proper anyhow in your question to assume that the witness testified so and so. The witness ought to be consulted about it. But frame the question now without reference to what the testimony was, and ask it.

Mr. BEAULIEU. Well, Mr. Lynch, as a matter of fact, was there any scandal connected with the sawmill while you were there?

A. None; only what the Tomahawk tried to feloniously expose.

Mr. BEAULIEU. Well, wasn't there some charges filed against you by parties at Duluth?

A. Only those emanating from the Tomahawk.

Mr. GRAHAM. We do not care about charges that were filed. What good would that do, Mr. Beaulieu?

Mr. BEAULIEU. Well, he said there was no scandal.

The WITNESS. I still say so.

Mr. GRAHAM. If you want to ask whether any charges were filed based upon fraudulent use of lumber at the mill, that would be pertinent.

Mr. BEAULIEU. That is what I was leading up to.

Mr. GRAHAM. Well, confine reasonably your questions to the subject matter.

The WITNESS. You can make them direct, if you think there was any stealing or anything of the kind. Don't mince matters with me. Just say if I stole and I say I will say it. I will answer all questions.

Mr. BEAULIEU. Has Mrs. Lynch an allotment at White Earth?

The WITNESS. What is that?

Mr. BEAULIEU. Didn't Mrs. Lynch receive an allotment of land at White Earth?

A. Two allotments, I believe.

Mr. BEAULIEU. Did you put up any buildings on either of those allotments?

A. Yes, sir.

Mr. BEAULIEU. How many buildings have you on those allotments?

A. Three or four.

Mr. BEAULIEU. I would like to have you state definitely just how many.

A. Oh, if you want to take in little pigpens, chicken coops, and things, five or six—three buildings.

Mr. BEAULIEU. Have you a dwelling?

A. Yes.

Mr. BEAULIEU. How large is it?

A. Nine or ten rooms.

Mr. BEAULIEU. Did you have a barn?

A. Yes.

Mr. BEAULIEU. How large was that?

A. About 40 by 60 or such a matter, or larger.

Mr. BEAULIEU. Did you have a warehouse?

A. No.

Mr. BEAULIEU. Did you have a granary?

A. Yes.

Mr. BEAULIEU. How large was that?

A. Large enough to hold 17,000 bushels of grain.

Mr. BEAULIEU. Where did you get the lumber from which these buildings were built?

A. I got the greater part of it at Ulen and Detroit, from Reed & Wagman and the—well, if it is necessary to introduce the name of the firm I bought it from, I will later on, when I think of it.

Mr. BEAULIEU. In what years did you build those buildings?

A. Oh, I don't recall.

Mr. BEAULIEU. Have you or your wife any buildings at the village of White Earth; and if so, how many?

A. Yes; got two or three. Three buildings there, I believe.

Mr. BEAULIEU. What are the sizes of buildings that you have there?

A. I don't know definitely. I got a residence there that has got 8, 10, or 12 rooms in it, and a small store building and a barn.

Mr. BEAULIEU. As a matter of fact, did not all the lumber with which you built your houses at White Earth come from the Government mill while you were in charge there?

A. Not one board of it; your felonious allegations to the contrary in the Tomahawk notwithstanding.

Mr. BEAULIEU. Well, we will see later about that.

Mr. GRAHAM. Mr. Beaulieu, allow me to suggest the committee can not permit you to use its time in any purely personal controversy or matter that you may have. I wish you would take notice of that now, and in the future act accordingly. The committee will be exceedingly liberal toward you and give you every chance you ought to have, but if you want to wash dirty linen before the committee, the committee will object and refuse to give you that right.

Mr. BEAULIEU. It is not dirty linen, Mr. Chairman. It is something that will come before this committee when you reach Detroit. It is something that has been repeatedly placed before the department——

Mr. LYNCH. By the "Tomahawk."

Mr. BEAULIEU. And as long as Mr. Lynch is here now and lives here in the city, I thought it would be better to ask him those questions instead of calling him to Detroit.

Mr. GRAHAM. Yes: but many of your questions seem to me of such a purely personal nature and point to some personal trouble between you and him, that it is suggested to me that I ought to

warn you on that line. If the committee knows it, it will not permit you to carry personal difficulties into the record of this hearing.

Mr. LYNCH. I can make some exposition of this if it is necessary.

Mr. GRAHAM. I do not want any of those matters to get into our record. We are not here for that purpose, and I want you to understand that now.

Mr. BEAULIEU. I have tried to keep out anything personal that exists between Mr. Lynch and myself. There are several suits——

Mr. GRAHAM. Very well, proceed.

Mr. BEAULIEU. Mr. Lynch, what connection did you have, if any, regarding the dead and down timber operations on the Chippewa Reservation?

A. With what?

Mr. BEAULIEU. What connection in any way?

A. I was for two winters superintendent of logging for the Government, for dead and down timber, upon the White Earth Reservation.

Mr. BEAULIEU. Did you cut any timber yourself—were you one of the contractors?

A. Yes, sir.

Mr. BEAULIEU. Were you assessed for cutting this green timber?

A. No, sir. I am the only logger upon all the reservations that never was. It is a matter of record.

Mr. BEAULIEU. I will let Mr. Lynch go with that.

Mr. GRAHAM. Are there any other interests represented here that desire to ask Mr. Lynch any questions? [No response.] That is all. Mr. Lynch, the committee appreciates your action.

Mr. LYNCH. I thank you, Mr. Chairman.

RICHARD H. CHUTE, sworn by Chairman Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name to the reporter.—A. Richard H. Chute.

Q. Do you live in Minneapolis?—A. I do.

Q. How long has this been your home?—A. Nearly 19 years.

Q. Are you now in business?—A. Yes, sir.

Q. What business?—A. I am connected with a number of interests.

Q. In what way?—A. I am the manager of the Mississippi River Lumber Co.

Q. President of it?—A. Manager.

Q. Where is its headquarters?—A. Minneapolis.

Q. Is it a manufacturing concern?—A. No, sir.

Q. What business does it carry on?—A. It did have timberlands and sold logs for a good many years, but the timber is pretty well cut off now. We are still doing business, however.

Q. It did not and does not do any milling?—A. No, sir. We never have manufactured.

Q. Are you connected with any other lumber concerns?—A. Yes, sir.

Q. What else?—A. The Northland Pine Co.

Q. Where are its headquarters?—A. Minneapolis.

Q. What is the nature of its business?—A. A manufacturing concern.

Q. Where is its mill, or mills?—A. Upon the other side of river.

Q. How many?—A. Two.

Q. Where do you get the supply of logs from for those mills?—A. From upper Minnesota. We float them down.

Q. You can drive them or float them down?—A. Yes, sir.

Q. Have you any other connections?—A. I am also the treasurer and manager of the Mississippi & Rum River Boom Co., which is the company which sorts the logs here and delivers to owners.

Mr. GRAHAM. That makes how many lumber properties you are connected with, Mr. Chute?

A. Three. That is, this last one, you know, is not a lumber proposition; it handles the logs, drives the logs, and sorts and delivers to the owners.

Q. You make that distinction, then, that persons engage in logging and in the lumbering business. You are technical about it and use the expression literally.—A. No, sir. Excuse me, but you don't quite get it.

Mr. GRAHAM. Make the distinction, please.

A. It is termed "lumbering"; it is the phase of lumbering—it is the driving of logs, but this company I refer to is confined to the driving of logs and sorting. It does not do any logging or what you term "lumbering"—no manufacturing.

Q. Were you in the lumber business before you located in the city here?—A. Yes, sir.

Q. It has been your life business, has it?—A. Yes, sir. I first commenced in the lumber business in 1869.

Q. Of course, you are familiar with the White Earth Reservation?—A. I am not particularly familiar with it geographically, but I have known about it.

Q. Historically?—A. Yes, sir.

Q. And in a business way?—A. Yes, sir.

Q. Did you buy any of the land at that sale at Crookston?—A. I bought a little; a very little.

Q. Individually or in some of your company connections?—A. Well, I bought it in my own name, but it was for our company.

Q. As to those matters, I prefer that Judge Burch continue the examination.

By Mr. BURCH:

Q. Mr. Chute, the companies you have named are the Weyerhaeuser interests, I suppose?—A. They are interested in them; yes, sir. Mr. Weyerhaeuser is president of the Mississippi River Lumber Co.

Q. He is not in the boom—sorting and booming company?—A. No; he does not appear as an officer. He is indirectly interested in it, however.

Q. Is he in the other company you mention, the Rum River—that is, the Rum River Co.?—A. No, sir.

Q. Well now, at the time you went to the Crookston sale, were you desirous of buying a large quantity of that pine, if possible?—A. That was the purpose of going, to buy a reasonable amount.

Q. For that purpose did you go pretty well provided with funds?—A. Yes.

Q. How much did you take along in one form of certificates of indebtedness or other?—A. I took a few thousand dollars in cashiers' checks from here, and then I had a letter of credit for $100,000.

Q. Well, what was your general aim or scheme in the four townships under consideration? Was it to buy enough to locate a mill or was it for the purpose of holding for investment, buying for investment, or what?—A. We had no intention of immediately using the timber.

Q. When you say "we," I would be glad to know who are comprehended within that term.—A. I say "we," because it was the Mississippi River Lumber Co., for which I was acting.

Q. I did not know which one of the interests—that is all right. Did not know but what it was some pool or syndicate. How long before the time of the sale did you go up to Crookston?—A. I never was on the reservation.

Q. Oh, no; not on the reservation, but Crookston?—A. I went there the night before.

Q. You arrived there the night before?—A. No, sir; I arrived there on the morning of the sale.

Q. You were acquainted with the Wintons at that time were you?—A. I don't think I had ever met Mr. Winton until I met him there. I had known there was such a person, but I——

Q. Of course, you did not know this Mr. Davies, from Oshkosh?—A. No, sir.

Q. Of course, you knew Hovey Clarke?—A. Yes, sir.

Q. And Mr. Shevlin?—A. Yes, sir.

Q. Mr. Shevlin, sr., I am speaking of, now deceased?—A. Yes, sir.

Q. Did you know Allworth?—A. I never saw him until I saw him at Crookston.

Q. Did you know Fred Bell?—A. Yes, sir. I knew him.

Q. Were was he?—A. Mr. Bell is the secretary of the Laird-Norton Co., of Winona.

Q. Is that a company that Mr. Weyerhaeuser is reputed to be interested in?—A. I never knew that he was.

Q. Well, who; anybody besides Mr. Bell?—A. Who interested in that company?

Q. Yes.—A. Mr. Norton is still living and he is the president of the company. Mr. Laird died two or three years ago, I should think.

Q. Then it was none of the concerns that Mr. Shevlin was supposed to be connected with, or Mr. Clarke?—A. No; I never knew that they were.

Q. Will you tell me, if you know, who was connected with the Wild Rice Lumber Co. when Hampsden bought for that company?—A. I don't know them.

Q. You don't know that company?—A. No.

Q. Mr. Bell, then, represented the Laird-Norton Lumber Co.?—A. Well, he is the secretary of that company, and I assume that he did, but don't know it for a fact and don't state it as a fact.

Q. Mr. McCarthy?—A. Mr. McCarthy is the secretary or treasurer, or something of that sort—an executive officer anyway—of the Standard Lumber Co. of Dubuque.

Q. Iowa?—A. Yes, sir.

Q. I assume that you did not know Thomas Monroe?—A. No, sir; I don't know him.

Q. Do you know Mr. Brooks?—A. William F. Brooks?

Q. Yes.—A. Billy Brooks; yes, I know him.

Q. What concern was he connected with?—A. With the Backus-Brooks Co.

Q. Where is that located?—A. Well, they have an office here.

Q. A mill?—A. They used to have a mill here, but they cut out their timber and went—built a mill at International Falls.

Q. Idaho?—A. No; right up here in the northern part of the State, on Rainy River.

Q. Do you know Carl Henderson?—A. No, sir; I don't know as I ever heard of him.

Q. Sam McClure?—A. Yes, sir; I knew Sam McClure.

Q. What concern was he connected with?—A. Well, he is an old-time lumberman of Stillwater, but I don't know whether he had any partners or not.

Q. Of course, you know Mr. Walker?—A. Oh, yes.

Q. He was independent, or at least not connected with any other concerns but his own?—A. Not that I know of.

Q. He is a very large pine owner?—A. He is connected with the Red River Lumber Co. at Akely, and he has large interests in the West.

Q. Supposed to be one of the largest lumber owners in the Northwest, individually?—A. I think so.

Q. I suppose you knew H. C. Akely?—A. Yes, sir; very well.

Q. And he was connected with Mr. Walker a good deal, was he not?—A. Yes, sir. There was a—I think it was a timber holding only. It was known as the Walker & Akely timber——

Q. Timber company?—A. Yes, sir.

Q. Fred Hanson; did you know him?—A. No, sir.

Q. Charles F. Wells; did you know him?—A. Yes; I know him.

Q. Who was he, and who was he connected with?—A. He lives here now, or did; I think he does yet. At the time you say, 10 years ago, 11 or 12 years ago?

Q. Yes; 1900.—A. He was, I think, president of the Brainerd Lumber Co. at that time. They were manufacturing at Brainerd at that time, I think.

Q. Brainerd, Minn.?—A. Yes, sir.

Q. Not so very far Brainerd is not, is it, from this reservation?—A. Well, it is pretty near across the State. Brainerd is on the Mississippi River.

Q. Now, Mr. Chute, did you or did you not hear of any amicable or friendly arrangement between the representatives of any lumber companies or men bidding individually to refrain from interfering with each other in the matter of the purchase of timber?—A. I did not until about, I should say—I guess it was after the sale was over, we heard a good deal about it in the newspapers; heard particularly of the remarkable things that had been going on there.

Q. On the spot there did you hear any such rumor?—A. I don't recall hearing about it on the spot. At any rate I know I was not invited to join any such thing.

Q. You were there the whole two days?—A. I was; yes, sir.

Q. Did you bid on much of the timber?—A. No, sir; very little.

Q. Why?—A. Because we did not want to pay the prices at which a good deal of it went.

Q. Was it your opinion that the $3 per thousand was an extravagant price?—A. Perhaps not the $3.

Q. I will ask you this question: Before you went there, you were aware that $3 per thousand on the estimated price was the law, were you not?—A. I presume that I was, but all the details of that transaction have gone from me now, and I haven't looked them up.

Q. Well, it was advertised that $3 a thousand on the estimated amount of pine would be the minimum price. You must have known of that, did you not?—A. Oh, certainly. I knew whatever was advertised.

Q. Early in the day the first day was the bidding too heavy for you?—A. I don't remember whether I bid the first day or the second. I don't remember.

Q. It appears that you did not bid until the second day.—A. The second day?

Q. So it seems; that is, you did not purchase. I would not say that you did not bid; at least, we have no report of it. Had you had this land cruised or estimated?—A. Yes, sir. There is one thing about this land that I do not know as it is proper for me to state it here, as it is simply my opinion. It is, nevertheless, a well-established fact, I think, that the timber on the reservation was what we called "limby timber."

Mr. GRAHAM. That is, having many limbs on it?

A. Yes.

Q. Has limbs growing down low?—A. Comparatively short body, so that the timber was not of the quality which we find in some of the other parts of the State. Such, for example, as the Chippewa Reservation, which has since been sold. This is very different, as a whole. Of course there was some fine timber in it, here and there, but, taken as a whole, it was what we call limby timber, the limbs growing down pretty well toward the ground.

Q. It did not leave any clear logs; that is, it did not leave much clear stuff at the bottom?—A. Not so much. The quality was affected.

Q. Clear stumpage is what the lumberman aches after, if he can get it?—A. Yes, sir.

Q. Does that apply to hardwood also?—A. I don't know. We didn't pay any attention to the hardwood at all. I don't know anything about hardwood.

Mr. BURCH. We haven't heard much about hardwood in connection with the 4 townships. In the other 32 townships we don't seem to run up against any hardwood proposition at all, so, I assume, if there was any, it was in the agricultural portion.

Mr. GRAHAM. But don't the estimates published before the sale tell anything about the amount of hardwood on the four townships?

Mr. BURCH. We have no record of anything of that kind; we seem to have no indication of it in anything that we have dug up. The Nelson Act provided only for the classification of pine lands.

Mr. GRAHAM. But apart from that classification, would it not affect the value of the land somewhat if there were other than pine on it? Hasn't it, too, some use?

Mr. BURCH. It might.

Mr. O'BRIEN. The pine, of course, would be the most valuable timber at that time, and if there were a large amount of hardwood

it would tend to lower the price of the value of the land. There would be less pine on it.

By Mr. BURCH:

Q. Returning now, Mr. Chute, you appear not to have bought, whether you bid or not on the first day, and from any fair inference from such data as we have here in regard to your operations you did not buy until late the second day and did not pay above practically anything; in fact, you did not pay anything above—you paid just the minimum price.—A. I will state that after we had had our estimates made—the cruisers had made their reports—we had them all carefully gone over and placed our limit on every description of every group; I think it was by forties, wasn't it?

Q. Yes.—A. Well, we put our limit that we would pay the maximum price. If we could buy at those prices we were going to buy. If we could not buy at those prices we were not ready to buy. That is the way we took it. And we couldn't buy at those prices any amount, and consequently we did not buy.

Q. I observe here that you bought eight forties, or eight descriptions—that is, 320 acres—on which the appraised valuation was $1,352, and for which you paid $1,352. So you paid just exactly the appraised price, and you evidently didn't quite purchase until the others quit bidding. But you say you learned of nothing there, and not until after you left there, about any combinations.—A. Perhaps I ought to say this, that in the lobby of the hotel there was a good deal of joking about the detective from the Government being there on the ground. We joked about it, because they were paying no attention to the combinations among the agricultural lands, but they were watching the timber lands very carefully, evidently thinking they were the fellows to watch. I didn't know at that time there was any combination, and don't know now of any from my own knowledge.

Q. I will ask you this question: From the conduct of the bidding and your experience in public sales of land, if you have had any, would you draw the conclusion that there was probably—I won't say a combine; I won't put it in that harsh form—but a mutual understanding between any of the leading purchasers that they ought not to cut one anothers' throats, in the language of one of the witnesses?—A. Now, I understand you to ask, if in my judgment——

Q. From what you saw, taking your experience as a purchaser of lands at public sales, if you have had any, or your experience as a business man—your acuteness or acumen, or whatever it might be termed as a business man—would you have drawn the conclusion from what you say there that there might be a mutual understanding between some of the leading purchasers not to harm one another and not to get in one another's way any more than they could possibly help?—A. Well, there was more or less whispering going on in the hall, but what it was about I do not know.

Q. There was more or less whispering?—A. Yes, sir.

Q. Could you say between whom?—A. No; I could not say that. There was a whole lot of people there. They were strangers to me.

Q. Was it among themselves?—A. Yes, sir.

Q. I assume now—or let me ask you this question: There was quite a considerable crowd present?—A. Yes; there was quite a crowd there.

Q. Many of them were nonbidders—that is, mere spectators sitting in the back part of the room. Were not the bidders, in other words, up around the auctioneers?—A. I don't know; they were scattered about the room, as I recall it.

Q. Were there seats in the room?—A. Yes, sir.

Q. Wasn't there observers or nonbidders—people who did not participate much—in the portion of the room where the seats were; were not the register and receiver, or auctioneer, or whoever sold it—were the bidders not congregated around there more particularly; wasn't that the fact?—A. I don't remember that. It may be so. I don't recall that.

Q. I don't ask you to remember anything that you can't. We want only trustworthy information. You say there was more or less whispering around the room?—A. Yes; buttonholing each other; but what was going on I do not know.

Q. You were not a party to it?—A. I wasn't invited.

Q. From the manner of that whispering and in connection with the bidding, was there anything—I ask your candid opinion about it—was there anything to indicate a noncompetitive undestanding?—A. I don't think I would say there was. No; I don't think I would.

Q. You could not safely say, in your judgment, that there was anything to indicate a noncompetitive understanding?—A. It seemed to be that there was a good deal of competition, and that the prices received were more than—well, more, in my judgement—than they ought to be. I would not have taken the stuff off their hands.

Q. Mr. Chute, did you have estimated the entire of these lands classified as pine lands in the four townships?—A. These lands in the four townships? Yes; I think I did.

Q. The entire?—A. I think so.

Q. You had figures of your own on all of them?—A. Yes; I think so.

Q. What limit, may I ask, was it your opinion you ought to pay on that pine?—A. Oh, it varied.

Q. Per thousand feet? I don't mean by forties, but what stumpage did you think you ought to pay on the average through there?—A. I don't know what our figures were, at this time; I could not remember; but I know this, that we considered the White Earth stumpage, as an average at $3 a thousand, was no big thing. You had to take into account the distance it was, the railroad had to be built into it, the distance from and the expense of logging, and the character of timber that you got in the end.

Q. In that respect you depended, of course, on the reports of your trusted cruisers or estimators?—A. Yes; we did, of course; in some respects we did.

Q. You did not go on yourself?—A. No. We had a man in charge of the cruising who was an old, experienced man who had done work for us for a good many years. We had absolute confidence in him, both in his judgment and his ability as an estimator.

Q. May I inquire, did you lumber your own purchase? Did you lumber it off yourself?—A. No, sir.

Q. May I inquire to whom did you sell it?—A. Well, now, I won't be sure, but my recollection is that we sold it to the Shevlin people. Either Clarke or Shevlin. I don't remember. That is my recollection.

Q. And may I inquire upon what basis, or what you got for it?—A. I couldn't tell you, for I don't remember. I could give you that later, but I will have to look it up.

Q. You took this land in your own name that you purchased?—A. Yes.

Q. Were you trustee, or did you buy it personally?—A. I was, I suppose, legally, a trustee; but that was not the reason that we bought it that way. We bought it in that way to evade the laws in the State of Minnesota, to be frank and plain. There is a law in the State of Minnesota by which no corporation can hold to exceed 5,000 acres of land acquired since the passage of that act.

Q. That is what is called the Morris Act?—A. No; the State of Minnesota.

Q. Oh, yes; the State of Minnesota.—A. Well, at the time that this purchase was made, we owned considerable more than 5,000 acres, and consequently we could not buy it in the name of the company, and it has been customary for us to buy in my name for the company for a good many years, and——

Q. Well, you had a secret trust; that is to say, without its being known to the public, that that really belonged to that company; it really belonged to the company.—A. It belonged to the company; yes, sir.

Q. I understand that you are careful and conscientious about this matter, and for fear something might happen to you, you immediately deeded it to the company, and kept the deed off the record in a vault or safe?—A. As soon as the title——

Q. Or patent came; yes——A. Came to me, we sold that stuff. I guess I sold that direct. But ordinarily, when we were buying, the deed was made to me and then I quitclaim to the company, and my quitclaim deed goes into the safe and the other deed goes on record.

Mr. GRAHAM. What is the date of the act of Congress which practically nullified that State law by separating the timber from real estate?

Mr. BURCH. June 27, 1902, commonly known as the Morris Act. That is the next subject we are going to take up before the committee. A copy of the statute I have before me and will read into the record, although we are getting at this a little before the time. We expect to take that up the next subject.

Mr. GRAHAM. Put it in where you think it fits best, but we want it in the record. It would be better, I think, to put it in in close association with the law nullifying it.

Mr. BURCH. We have no doubt of the very high conscientiousness of this witness, and he frankly states what we are convinced of, that from his reputation——

Mr. GEORGE. I should like to ask the two dates, the date of the State and the date of the Federal law.

Mr. O'BRIEN. The State law was passed in 1899, the year before the Crookston sale. The Morris Act was passed in 1902.

Mr. GEORGE. Three years after?

Mr. O'BRIEN. Yes.

The WITNESS. Are you sure it was 1899?

Mr. O'BRIEN. Yes; you told me it was 1896, but it was 1899.

The WITNESS. I was not quite sure of it.

Mr. BURCH. I don't know that we have anything further to ask Mr. Chute.

Mr. GEORGE. I should like to ask the witness why he carried so much credit to the sale? Why did you have $100,000 in your pocket, if you intended to make only a few purchases?

A. I intended, if the bidding was not strong, why we would buy. If, on the contrary, the bidding was strong, why we would stay out.

Mr. GEORGE. And you would buy at the minimum price?

A. We would buy at a reasonable price, or what we thought was reasonable. Otherwise we would not.

Mr. GEORGE. Then there was spirited bidding, you thought?

A. As I think I stated, I would not have taken the land off their hands at the prices at which it was sold at that time. Of course, today it is worth more. That was 10 or 12 years ago.

Mr. GEORGE. The price was because of the increased price of lumber or of timber?

A. Of stumpage, yes. Of course, lumber has advanced with it.

Mr. GRAHAM. Did you know of the instance of the Davies purchases at that Crookston sale?

A. No, sir.

Q. Well, how would you account for the fact that Mr. Davies bought $19,000 worth of land at the sale, and in the forenoon of the second day of the sale turned his purchases over to Mr. Clarke at a net profit of $5,000 five-nineteenths, which would be somewhere about 26 per cent profit on his bargain in a few minutes?—A. What is the question?

Q. How do you account for it on your theory that there was no margin in it—it sold so high?—A. This is the first public sale that I had ever attended, and I don't know whether they were—the lumbermen get as crazy usually as they did at that sale, or not, I don't know; because, as I said, I never attended before, but there was a very crazy lot of fellows there.

Q. Mr. Clarke was then a very experienced man in stumpage and lumber matters?—A. Yes, sir; Mr. Clarke is a very excellent business man.

Q. And your first thought would be that if he gave Mr. Davies $5,000 it was worth it?—A. Why, I should presume so. Mr. Clarke don't usually make any very bad trades, I think.

Q. Was your judgment the result of investigation, or was it the mere offhand impression that the stuff was selling pretty well up to its real value?—A. I think I stated that after our estimates had been made by careful men and supervised by a man that we had absolute confidence in, we then—and the character of timber taken into consideration, the distance from water and the expense of logging and all, we figured then what we could afford to pay for it and leave a margin of profit; and we did not intend to go beyond those figures.

Q. How carefully had you through your agents, gone into the valuation as shown by the sale pamphlet? Had you made a careful estimate on your own behalf?—A. Yes, sir. We had it all estimated, that is all the pine.

Q. The quality and grade of the timber and all that?—A. Yes.

Q. How was it to be determined on the—what is the technical word—estimate, is it——A. Estimate. Yes.

Q. On the estimate of the Government employees; the sale was to be made upon it?—A. The sale was made on that; yes, sir.

Q. If that estimate were only 50 per cent of the actual amount of lumber there, then of course——A. Then we could afford to pay more.

Q. The $3 a thousand would drop to $1.50 per thousand?—A. Yes.

Q. How carefully did you have the estimate made by your own men to see how accurate the Government estimate was?—A. I can not remember how our estimates compared. My recollection at this time is that in some instances we were over the Government estimate, and in some instances we were under that.

Q. On what did you base your judgment as to the prices you ought to bid?—A. On our own.

Q. And on your estimates and your judgment of the situation, in view of the spirited bidding, are you enabled to see where Mr. Clarke could come out on adding five-nineteenths to the Davies purchase?—A. I am speaking of conditions as they existed in 1900. I don't know whether Mr. Clarke has held that land or not. I don't know anything about it. If he held it, he has probably, why he has probably made a good trade. If he cut it at that time he would have close work.

Q. But from your knowledge of him as a business man and a lumberman don't you think he would buy it on the basis of the market at that time and not wait, maybe, 10 years?—A. He ought to; certainly.

Q. It is your judgment that he did?—A. Yes; in my judgment.

Q. Really, although his judgment might differ from your own, would you not be disposed to think that when he did bid up on the sale price he felt that there was still a margin of profit in it for him for some reason or other?—A. I have no doubt that he thought so.

Q. And not only think. You would go further and say that it probably was so, because he thought it. That is, that his judgment was so sound that he would hardly have thought it if it had not been so.—A. I think a great deal of Mr. Clarke's judgment on any business proposition.

Q. He would be naturally apt to be on the safe side?—A. Yes, sir.

Q. Do you know of any other instances where persons who bought there sold out right away at a considerable profit or at any profit?—A. I never have heard of any case.

Q. You have no recollection now of the prices that you paid or got for your holdings?—A. No; I can get it for you though if you wish it.

Q. Well, it would make your testimony more complete.—A. I am perfectly willing to dig up the records. We have the records at the office, and I can dig them up to-morrow.

Q. Do you recall now how soon you parted with your interest in it?—A. No, sir; I don't remember the date.

Q. Do you remember whether the patent issued in your name or Mr. Clarke's?—A. I think it issued in my name. That is my recollection.

Q. And you conveyed to Clarke?—A. That is my recollection now; yes, sir.

Mr. BURCH. The patent did issue in his name. It shows here.

Mr. GRAHAM. Oh, yes; the abstract will show that.

Any other interests here that wish to ask the witness any questions? [No response from anyone.]

The WITNESS. Do I understand, then, you would like to have me testify later?

Mr. GRAHAM. I will leave that to Judge Burch, and let him determine whether you desire the witness to send in the figures at which he bought and sold and the date at which he conveyed.

Mr. BURCH. I think we have those, Mr. Chairman.

Mr. GRAHAM. Oh, well, if you have them, no need to bring them in.

Mr. BURCH. They are in the abstract, unless he has stated a different sum in the deed as a consideration from the real consideration. I doubt if he did that.

Mr. GRAHAM. Have you a recollection on that point?

The WITNESS. I don't remember anything about it.

Mr. GRAHAM. Perhaps a mention of those sums would recall the situation.

Mr. BURCH. Perhaps we can dispense with him coming back.

Examination of witness by Mr. O'BRIEN:

Q. This abstract, Mr. Chute, is to the effect that you conveyed to the Immigration Land Co. and the Immigration Land Co. conveyed to Hovey C. Clarke and Clarke conveyed to the Nichols-Chisolm Lumber Co.

The WITNESS. Well, I had forgotten who it was.

Mr. BURCH (addressing Mr. O'Brien). What was the consideration?

Mr. O'BRIEN. The consideration in the first deed given by Mr. Chute is $1. The deed was dated August 4, 1904, and kept off record until June 18, 1909, five years.

Mr. BURCH. I would suggest that Mr. Chute send in a note containing the information, unless the committee would prefer to have it more formal.

Mr. GRAHAM. Very well; so he will send it in such shape that I can put it in the record so that it will make an intelligent record.

Mr. BURCH. I would suggest that he address it to the chairman.

The WITNESS. What you want is just the amount, whatever it is?

Mr. BURCH. For what it was actually sold by you.

Mr. GRAHAM. The amount and the date is shown by the abstract, I suppose.

Mr. BURCH. Yes.

The WITNESS. You have the date?

Mr. BURCH. Yes; we have the date of the conveyance.

The WITNESS. What you want is the amount?

Mr. BURCH. The actual amount you sold it for.

The WITNESS. I will be glad to do either one.

The witness is excused.

Adjourned until 10 o'clock, January 25, 1912.

VHITE EARTH RESERVATION

No. 10

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 25, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets on call.)

JAMES M. GRAHAM, Illinois, *Chairman.*

SCOTT FERRIS, Oklahoma.
HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

JANUARY 25, 1912.

MORNING SESSION.

Present: Mr. Graham (chairman) and Mr. George, committee; Mr. M. C. Burch, attorney for the Department of Justice; Mr. E. C. O'Brien, special assistant to the Attorney General; Mr. W. A. Lancaster and Mr. Milton D. Purdy, representing D. N. & C. J. Winton; Mr. R. J. Powell, representing the Nichols-Chisholm Lumber Co.; Mr. Gus. H. Beaulieu and Mr. John Carl, claiming to represent White Earth Indians.

Mr. BURCH. In connection with the testimony of Mr. Chute last night, that he took the deeds for the Mississippi Lumber Co. in his own name to evade the law of the State of Minnesota, I desire to read into the record the statute in question, which is taken from the revised laws of 1905, State of Minnesota. I will read that portion applicable to the matter in hand:

SEC. 3237. Except as hereinafter provided, no corporation, unless organized for the construction or operation of a railway, canal, or turnpike, shall acquire more than 5,000 acres of land; * * *.

This may be said to be incomplete. There were some laws in that section that do not pertain to this matter in hand, and having given this citation, the full text can be found at any time or place.

SEC. 3239. All lands acquired or held in violation of sections 3235-3238 shall be forfeited to the State. and the attorney general shall enforce such forfeiture, but no such forfeiture shall be adjudged unless the action to enforce the same shall be brought within three years after such property has been so acquired or held by such corporation, * * *. (Act of 1899.)

I would like to correct the text of this opening remark of mine by saying the land was bid off for the Mississippi Lumber Co. by Mr. Chute at the Crookston sale, for which he took the patent in his own individual name.

Now, in this connection I also desire to read into the record what is better known as the Morris Act. On the whole, I do not think that I will read it into the record, but I think that I will file it, as it is quite lengthy. I will give the citations: Public No. 175, an act to amend an act entitled "An act for the relief and civilization of the Chippewa Indians of the State of Minnesota," approved January 14, 1889.

Paper marked "Exhibit No. 19" received in evidence, as follows:

BURCH'S EXHIBIT No. 19.

[PUBLIC—No. 175.]

AN ACT To amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of an act entitled "An act

for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, it shall be the duty of the Commissioner of the General Land Office to cause the land so ceded to the United States to be surveyed in the manner provided by law for the survey of public lands, and as soon as practicable after such survey has been made and the report, field notes, and plats thereof filed in the General Land Office and duly approved by the Commissioner thereof, the said Secretary of the Interior, upon notice of the completion of such surveys, shall appoint a sufficient number of competent and experienced examiners, in order that the work may be done within a reasonable time, who shall go upon said lands thus surveyed and personally make a careful, complete, and thorough examination of the same by forty-acre lots, for the purpose of ascertaining on which lots or tracts there is standing or growing pine timber, which tracts on which pine timber is standing or growing for the purposes of this act shall be termed 'pine lands,' the minutes of such examination to be at the time entered in books provided for that purpose, showing which of such lands are pine lands and which are argicultural lands, as hereinafter designated, which reports of all such examinations shall be filed with the Commissioner of the General Land Office as a part of the permanent records thereof, and thereupon that office shall cause to be made lists of all such pine lands and agricultural lands, describing each forty-acre lot or tract thereof separately, and thereupon such lists of land shall be transmitted to the Secretary of the Interior for approval, modification, or rejection, as he may deem proper. If the lists thus made are rejected as a whole, then the Secretary of the Interior shall substitute new lists, and the same or original lists as approved or modified shall be filed with the Commissioner of the General Land Office as the lists of said lands. Duplicate lists of said lands, together with copies of the field notes, surveys, and minutes of examination, shall be filed and kept in the office of the register of the land office of the district within which said lands may be situated, and copies of said lists shall be furnished to any person desiring the same upon application to the Commissioner of the General Land Office or to the register of said local land office.

"The compensation of the examiners so provided for in this section shall be fixed by the Secretary of the Interior, but in no event shall exceed the sum of eight dollars per day for each person so employed, including all expenses.

"All other lands acquired from the said Indians on said reservations, other than pine lands, are for the purposes of this act termed 'agricultural lands.'"

SEC. 2. That section five of said act be amended so as to read as follows:

"SEC. 5. That whenever, and as often as the survey, examination, and lists of one hundred thousand acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of five per centum of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: *Provided*, That said pine timber shall be advertised for sale in Government sections or parts of sections, and shall be sold only by separate sealed bids for the pine timber on each section, and the Secretary of the Interior shall reserve the right to reject any or all of said bids: *Provided*, That the Secretary of the Interior may also receive bids in groups of not exceeding ten sections in any one bid, which bids may be in addition to the separate bids by sections on the same lands. The parties bidding shall accompany each of said sealed bids with cash or certified check for twenty per centum of the amount of the bid for the pine timber on any particular section or groups, according to the highest value as shown by the Government estimate as hereinbefore provided for, and said cash or certified check shall be retained and credited as part payment of the purchase price should the bid be accepted, but should the bid be rejected said cash or certified check shall be immediately returned to the bidder: *Provided further*, That said timber shall not be sold at a price less than four dollars per thousand feet board measure for Norway pine and five dollars per thousand feet board measure for white pine: *Provided further*, That the Secretary of the Interior may increase said minimum price

on portions of said timber as he may deem just and proper: *Provided further*, That said Secretary may, if he shall deem it best, permit the purchaser of the timber on any Government section or group to erect a mill of a capacity of not less than forty thousand feet board measure of lumber per day, and to manufacture thereat the timber on said Government sections or groups, said mill to be located on said section or group, or at such place in the immediate vicinity as may be designated by said Secretary; and the said Secretary is authorized to lease to such purchaser not exceeding three hundred and twenty acres of land for mill purposes, for any one purchase, at an annual rental to be fixed by the Secretary of the Interior, for a renewable term not exceeding ten years, said term to end, in any event, so soon as the timber purchased shall have been sawed and removed, said lease of land to be exclusive of the timber thereon, which timber shall be disposed of as herein provided for other timber: *And provided further*, That prior to any sale the Secretary of the Interior shall cause notices of said sale to be inserted once in each week, for four successive weeks, in one newspaper of general circulation, published in each of the following cities, namely: Minneapolis, Saint Paul, Duluth, Winona, and Crookston, Minnesota; Chicago, Illinois; Milwuakee, La Crosse, Ashland, Wausau, and Marinette, Wisconsin; Detroit, Saginaw, Menominee, and Bay City, Michigan; Philadelphia and Williamsport, Pennsylvania: Boston, Massachusetts; New Orleans, Louisiana; Saint Louis, Missouri; Albany, New York, and Dubuque, Davenport, and Burlington, Iowa, and in the following trade journals, to wit: The Northwestern Lumberman, of Chicago, Illinois, and the Mississippi Valley Lumberman, of Minneapolis, Minnesota, of the sale of said timber as herein provided to the highest bidder, with the right to reject any and all bids, the first publication of said notices to be at least six calendar months prior to said sale, said notices to state the time and place and the terms of such sale, and to contain a general description of the lands from which the timber is to be sold, and shall refer intending bidders to the printed lists to be obtained from the Commissioner of the General Land Office or register of the local land office, as provided in section four of this act. Said notices shall also state in what tracts or parcels the timber is to be sold: *Provided*, That one additional notice calling attention particularly to the date of the sale shall be published thirty days prior to the day fixed for the sale in the first advertisement: *Provided further*, That in cutting the timber on two hundred thousand acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to wit, Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebigoshish, which said lands so selected shall be known and hereinafter described as 'forestry lands,' the purchaser shall be required to leave standing five per centum of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said five per centum to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior: *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than one hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates seven thousand acres, and in addition thereto ten sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than three hundred and twenty acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech Lakes and the land reserved at Sugar Point and Pine Point Peninsula shall remain as Indian land under the control of the Department of the Interior.

"Each and every purchaser of timber hereunder shall be required and shall enter into an agreement to cut clean and remove all the merchantable pine timber, whether green or dead, standing or fallen, on each tract, subdivision, or lot covered by his purchase, except on the forestry lands as hereinbefore provided, within such time as the Secretary of the Interior may direct, and under such rules and regulations as he may prescribe, and to cut no timber other than pine, except such as may be absolutely necessary in the economical conduct of the logging operations, and to burn or remove a sufficient amount of the tops and refuse to prevent danger from fire to the timber left standing, under rules and regulations to be prescribed by the Secretary of the Interior,

and, when practicable, to employ Indian labor in the cutting, handling, and manufacture of said timber. And each and every purchaser shall be required to give a bond in a sufficient penalty, to be approved by the Secretary of the Interior, for the faithful performance of said agreement and for the observance of the regulations of the Secretary of the Interior concerning the sale, cutting, and removal of such timber: *Provided*, That the Secretary of the Interior shall, upon application, furnish to any persons who may expect to bid, not more than ninety days prior to the date of the sale of any pine timber hereinbefore mentioned, a statement of the rules and regulations under which said pine timber shall be cut and the tops and refuse thereof burnt or removed, and of the time within which said timber must be removed.

"Before being removed from the tract from which they are cut, all logs cut hereunder shall be stamped and bark-marked by the logger and numbered and scaled by competent and experienced scalers, to be appointed by the Secretary of the Interior and paid such reasonable salaries as may be fixed by him. Said scalers shall keep in suitable books for reference a record of the marks, also a complete list of the numbers of all logs, with the scale of each log set opposite its number, said scale books to be open to the inspection of the check scaler or to any authorized Government representative at all times; and said logs shall be landed separately from all other logs, and the title to said logs shall remain in the United States for the benefit of the Indians; and said logs shall not be removed from the place of landing until the purchase price agreed upon shall be fully paid to such officer of the Indian Department as shall be designated by the Secretary of the Interior to account for and receive the same. And the Secretary of the Interior may, at the request of the chiefs of said bands or tribes of Chippewa Indians of the State of Minnesota interested in the said timber sales, appoint check scalers to verify and inspect the work of the Government scalers; the said check scalers to be designated by said chiefs and paid out of the funds of the Indians such reasonable compensation as may be fixed by the Secretary of the Interior.

"After the merchantable pine timber on any tract, subdivision, or lot shall have been removed, such tract, subdivision, or lot shall, except on the forestry lands aforesaid, for the purposes of this act, be classed and treated as agricultural lands, and shall be opened to homestead entry in accordance with the provisions of this act: *Provided*, That on the forestry lands aforesaid, as soon as the merchantable pine timber now thereon shall have been removed from any tract, subdivision, or lot, as herein provided, such tract, subdivision, or lot shall, without further act, resolution, or proclamation, forthwith become and be part of a forest reserve, the same as though set apart by proclamation of the President in accordance with the act of Congress approved March third, eighteen hundred and ninety-one, and subsequent laws amending and supplementing the same, and shall be managed and protected in accordance with their provisions and the rules and regulations, made and to be made in furtherance thereof: *And provided further*, That on said forestry lands aforesaid said pine timber shall be cut clean, except as to the five per centum as hereinbefore provided, and removed under the supervision and direction of the Forester of the Department of Agriculture, in accordance with rules and regulations to be prescribed by him and approved by the Secretary of the Interior, and the said Forester shall have power at all times to patrol and protect said lands and forests, and to enforce all rules and regulations made by him as aforesaid.

"As soon as practicable after the passage of this act the Secretary of the Interior shall open to homestead settlement, as herein provided, the lands on all the reservations, or portions of reservations, which have been ceded to the United States by the Chippewa Indians in Minnesota, including the four reservations last aforesaid, which have been examined and found to be agricultural lands, and shall immediately proceed to have examined, as herein provided, the remaining lands, and shall without delay open to homestead settlement those found to be agricultural lands: *Provided*, That on the four reservations last aforesaid, where agricultural lands are included within or contiguous to forestry lands and are, in the opinion of the Forester of the Agricultural Department, necessary to the economical administration and protection of the same, said Forester shall, as soon as practicable after the passage of this act, as to those lands which have already been examined and as to the lands not yet examined immediately after the examination and approval of the lists of said lands, of which approval said Forester shall be immediately notified by the Secretary of the Interior, file with the Secretary of the Interior schedules designat-

ıg according to Government subdivisions said agricultural lands, not to exceed fteen thousand acres of the lands already examined and not to exceed ten ıousand acres of the lands yet to be examined, which said agricultural lands ɔ designated shall not be offered for entry and settlement, but shall become nd be a part of the forest reserve hereinbefore created.

"There shall be appointed by the Secretary of the Interior one superintendnt and such assistants as he may deem necessary, whose compensation shall e fixed by the Secretary of the Interior, and for the superintendent shall not xceed six dollars per day, and for the assistants shall not exceed four dollars er day each, while actually employed, and whose duties shall be to supervise ıe cutting and scaling of the timber sold under the provisions of this act and ɔ see that the rules and regulations prescribed by the Forester and the Secreıry of the Interior are complied with, and generally to perform such services ı and about the sale of the pine timber on said lands, and the cutting of the ame therefrom, and the care and protection of all timber on said lands, as ıay be required of them by said Forester and said Secretary.

"The Secretary of the Interior may, in his discretion, authorize the purhasers of timber hereunder to build on the rivers and lakes on or within said ɛded lands, under such rules and regulations as he may deem proper, dams, ɔfferdams, booms, and to make other river and lake improvements necessary ɔ facilitate logging operations: *Provided*, That the parties building such dams, ɔfferdams, booms, and making other river and lake improvements shall pay ıe officer whom the Secretary of the Interior shall designate to receive such ayments such damages as may be caused on the said ceded lands, such damges to be ascertained and determined in such manner as the Secretary of the nterior may direct.

"All the expenses incurred in carrying out the provisions of this act as to the xamining and listing of said lands, and the selling, cutting, and scaling of aid timber, shall be paid by the Secretary of the Interior out of the proceeds f the sale of said timber: *Provided*, That no expense arising out of the forstry provision shall be charged to the Indians."

SEC. 3. That section seven of said act be amended by inserting after the word lands," in line one thereof, the words "and timber."

SEC. 4. That so much of the act of June seventh, eighteen hundred and ninetyeven, entitled "An act making appropriations for the current and contingent xpenses of the Indian Department and fulfilling treaty stipulations with varıus Indian tribes for the fiscal year ending June thirtieth, eighteen hundred nd ninety-eight, and for other purposes," as authorizes the sale of dead timber, tanding or fallen; under regulations prescribed by the Secretary of the Inteior, on the Chippewa reservations and ceded lands in the State of Minnesota, ɛ hereby repealed: *Provided*, That nothing herein contained shall be held in ıny way to affect contracts already entered into and now in force for the sale ınd cutting of dead timber, standing or fallen, on said reservations and ceded ands.

SEC. 5. That the Secretary of the Interior shall proceed as speedily as pracicable to complete the allotments to the Indians, which allotments shall be ompleted before opening the agricultural land to settlement.

Approved, June 27, 1902.

Mr. GEORGE. What is the date of that act?

Mr. O'BRIEN. June 27, 1902.

Mr. BURCH. Somewhere in this act—and I won't now stop, since t will be placed in the record—I want particularly to call attention o it, that there are practically three provisions, one requiring, in the ale of pine lands, sealed bids; one requiring bank measurement of the ogs instead of wood estimate of the stumpage or standing timber; ınd the third providing that timber deeds without the purchase ıf the land might be taken from the United States in the purchase ıf those lands—in other words, authorizing timber deeds.

The CHAIRMAN. They could sell or buy timber without having the leed?

Mr. BURCH. They could sell or buy timber without having the leed.

Mr. GEORGE. May I interrupt to ask about the second point? I don't know as I understand. What kind of measurement did you say that was?

Mr. BURCH. Bank measurement. I will explain again. In the lumber situation—well understood, I think, by all lumbermen—there are three ways—three principal ways—of finding out about how much a forest produces in the way of actual lumber. Two are preliminary; the other is final and definite. The first method is for experienced men to go into the forest—to go over the standing trees—timber—and give their estimate or best judgment—supposedly best judgment—in regard to the contents of all the trees in that forest.

Mr. GEORGE. Just a superficial view?

Mr. BURCH. No; men have become so expert in that direction within my own experience that two of them going into 40 acres of land containing a large amount of pine at different times and not known to each other, as to their figures, would, perhaps, on 1,000,000 feet, in their conclusion of the aggregate, come within a few hundred feet of each other. They become exceedingly expert and, if honest, their judgment is made a medium of buying and selling. In other words, men buy and sell upon their judgment. I have known such men many times.

The CHAIRMAN. Is there a technical word that covers that work of estimating? Don't they use the word "scale" or "scaling"?

Mr. BURCH. No; not in that connection. That is not so; that is estimating. The next is scaling; and this is done after the timber is cut into logs, either in the woods or on the bank of the stream—or in the mill yard, if they toted it direct to the mill—where the scale of these logs is made. Now, the scaling amounts to this: They use a rule—that is, a book containing a set of rules. They take the contents of a log so long and so much in diameter at the top and butt ends—sometimes they measure both—and average them on the average of the logs of different sizes. That book will tell them at a glance—if they haven't got it in their head, which many have—by the application of a rule or figures—that is, a combination of figures—will tell them almost at a glance the contents of a log. And some logs are hollow and yet contain much excellent lumber along the rim; in fact, they must make an allowance for that. Sometimes the logs are punky—that is, have holes through them or dry rot, which very much interferes with the timber. They must make allowances for that, and if they are irregular in shape they have to take all those things into consideration to cover contingencies. They keep them reduced within safe, conservative figures. This is done either in the woods or on the bank. This statute provides on the bank. That would mean the mill yard or on the bank of the river before they are tumbled into the water. The other is mill run—that is, mill measurement.

The lumber is actually measured as it comes out. That is definite. From estimating, as had been done in the Crookston sale, it was provided in this bill that they should have bank scale or measurement after the timber was cut. That is the second way I described. This third provision which I called to your attention is important, for which reason we filed this bill, also the provision that they might

take timber deeds. It was testified by Mr. Chute yesterday that to evade this statute of Minnesota he took the deed to this property in his own name. What we claim is that it was to relieve the lumbermen of this difficulty by directly evading the law, as Mr. Chute testified he did; they could take a timber deed and thus, while they might hold the fee to only 500 acres, a corporated company might buy all the timber the United States had by timber deed, within the State of Minnesota, and not literally evade or violate this law of the State of Minnesota.

Mr. GEORGE. This Morris Act was passed a year and a half after the Crookston sale, wasn't it?

Mr. BURCH. Yes; it was; thereabouts. In the heading of the statement I filed at your request in series 7 we had a series of subheadings. The first we have not really completed, but the witnesses apparently are not here. We can not find that they are and we can not hear from the sergeant at arms who subpœnaed them, although we hope we may be allowed to put in the additional testimony later.

The CHAIRMAN. Well, we want you to go on with the witnesses you have here.

Mr. BURCH. The second heading was the Morris Act. That is very brief. I put that in. We have finished with that. The third subheading is the legislation of 1904. I first desire to read an excerpt from the Congressional Record, volume 38, page 685, of January 12, 1904.

By Mr. Steenerson. A bill (H. R. 9666) to provide allotments to Indians on White Earth Reservation, Minn.; to the Committee on Indian Affairs.

This bill appears on page 12 of these hearings. In the first series this bill appears in full.

I now read in the same connection from Congressional Record, volume 38, page 700, of January 13, 1904, amendment to Indian appropriation bill:

Mr. Clapp submitted an amendment authorizing the Chippewa Indians of the State of Minnesota to dispose of the timber on their respective allotments, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

I call the attention of the committee in connection with these series of excerpts just read into the record that one was dated on January 12, that is the House matter, and the other was dated on January 13 of the same year—that was a Senate excerpt. So that the two measures were introduced providing for an additional allotment which would put the timber on these reservations, if carried out, into the hands of the allottees or Indians, and the other, which I just now read as the Clapp amendment of 1904, providing that the timber might be sold after it had gotten into the Indians' hands. [Reading:]

[33 Stat. L., 209-210.]

DISPOSAL OF TIMBER ON ALLOTMENTS OF INDIANS.—The Chippewa Indians of the State of Minnesota, to whom allotments have been or shall hereafter be made, and trust or other patents containing restrictions upon alienation issued, or which shall hereafter be issued therefor, are, with the consent of the Secretary of the Interior, and under such rules and regulations as he may prescribe, hereby authorized to dispose of the timber on their respective allotments. Tim-

ber on the allotments of minors may likewise be so sold by the father, mother, or Indian agent or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors.

The record of the Steenerson Act, on page 12 of these investigations, will show that the Steenerson Act, so called, was adopted April 28, 1904. The record—37 Statutes at Large—appears as Public Laws of the Fifty-eighth Congress, at page 189, and shows the adoption of the Clapp rider of 1904, which I have just read, on the Indian appropriation bill to have been on April 21, 1904. I call attention to the fact, therefore, that while these two acts—one to place the timber in the hands of the Indians by additional allotment and the other to provide that it might be sold, by the rider, as having been introduced one day apart in the House and Senate, respectively—were adopted and became laws about one week apart later on. I read now from the House Executive Document No. 247, seventh council at White Earth, page 99, an excerpt showing a question by Gustave H. Beaulieu, answered by Bishop Marty, one of the commissioners:

GUSTAVE H. BEAULIEU. I would like to know whether the statements regarding the pine land, etc., applies to this reservation; if that was included as an answer to our question as to whether any part of this reservation would be opened to settlement?

Bishop MARTY. The pine lands are to benfit all the Indians on the reservation, and not one in preference to another. This can be accomplished by reserving as much timber as you can need, holding it in common. It would not do for you to be compelled to buy pine from the whites. You must keep enough of it for yourselves, but what you can never have use for is to be sold and the proceeds divided among you all equally, according to the provisions of the bill.

That would mean the Nelson bill.

The chiefs know the land best, and they are the ones to inform us what they can spare and what can be sold for the benefit of all. The pine lands can not be allotted under the law, but will be sold by the Government, who will see that a good price is obtained. This will be no loss to you, but a clear gain from year to year. The more pine sold, the more principal and interest you will receive, so that you can from year to year improve the lands you retain.

Mr. GEORGE. Who is Bishop Marty?

Mr. BURCH. He is one of the original Chippewa commissioners, who dealt with these Indians in securing the passage—that is, the assent to the Nelson Act.

Mr. GEORGE. And when did he state this?

Mr. BURCH. In 1889, at the time they were holding the councils with the Indians to obtain their assents to the provisions of the Nelson Act. It will be seen that this promise was made to the Indians about their pine, that it should be held as tribal.

The CHAIRMAN. Now, just there, Judge, if you please, one moment. Was Bishop Marty's connection with this matter so close that his statement was a representative statement or one that would in any manner represent the Government?

Mr. BURCH. As far as treaties with the Indians can bind the Government, through the commissioners who take part in them, that was authoritative.

Mr. BEAULIEU. May I say a word?

Mr. BURCH. No; not now.

The CHAIRMAN. I want to say to Mr. Beaulieu, what he must see to be true, that all this will be printed, and you can answer it to very much better advantage after you have seen it printed and get ready to answer; but you must not interrupt, unless it becomes very necessary, during the proceedings. You will have a great advantage when you read this and study it and get ready to make such answer to it as you please at the proper time.

Mr. BURCH. Will the committee allow me?

Mr. Burch and Mr. Beaulieu consult together.

Mr. BURCH. I may say in this connection that it is probably a very close question of construction of the terms of the Nelson Act, and, more than that, of the general allotment act, or the Dawes Act, which preceded it by a couple of years, as to whether anything but agricultural lands can be allotted on the White Earth Reservation or elsewhere, it being apparently a construction of the Dawes Act by the Department of the Interior that none but agricultural land could be allotted in severalty to the Indians. Bishop Marty uses a construction here of the Interior Department of the Dawes Act, and tells them that nothing but agricultural lands can be allotted. Now, I suppose that he voiced the opinion of his two brethren on that Chippewa commission, that they practically told the Indians that, in accordance with the construction of the Dawes or general allotment act by the Interior Department at that time, that the pine must be held as communal or tribal property, while the agricultural lands could be allotted in severalty under the Nelson Act; and I may say that, practically, the Supreme Court of the United States, in its wisdom, has held, in effect, that Congress is not bound, in dealing with these Indians, to any treaty relations whatever; that some treaties, and important ones, may be made and confirmed and in part acted upon and carried out, and yet that the Congress of the United States, in their wisdom, may simply brush them aside as straws might be brushed aside. In other words, the Congress of the United States, the United States holding the fee of the land, has sovereign power over all such property and can do with it as it will.

Now here comes a document that is of some considerable interest in this connection, which indicates that that construction was so far carried out that allotments were canceled as late as 1904, because they had pine land on them. That is what we call the original allotments that had already been made. I read now from a transcript of the record of the United States Supreme Court in the case of Annie Fairbanks et al. *v.* The United States, October term 1911 (p. 193–194):

DEPARTMENT OF JUSTICE,
OFFICE OF INDIAN AFFAIRS,
Washington, March 31, 1906.

The UNITED STATES INDIAN AGENT,
White Earth Agency, Minn.

SIR: The office is in receipt of your letter of March 23, referring to office letter of February 20, in the matter of protest of Samuel E. Moores (or Mooers) against your action in canceling the original allotments granted his minor children, Alice and Louis, under the act of January 14, 1889, and granting the same land to B. L. Fairbanks and E. L. Warren under the Steenerson Act.

Answering your letter I have to say that the explanation you make is not satisfactory and did not justify you in canceling the original allotments to Mr. Mooers's children. The act of your allotting clerk was your act and should be so regarded. Accompanying the original papers is an affidavit from Mr. Perrault, your allotting clerk, to the effect that on August 8, 1904, he made the

allotments in question and that later (date not stated) you ordered him to cancel them because they were "pine lands." There is also an affidavit of Theo B. Beaulieu to the effect that previous to August 8, 1904, you had made allotments of pine lands to other Indians and had allowed them to stand. It is true that in the early work of the Chippewa commission in making allotments on White Earth Reservation, the office did direct that only agricultural lands should be allotted, reserving the pine lands for the common benefit of all the Indians of the reservation; but after the passage of the Steenerson Act, which contemplated the allotment of all the lands of the reservation, such instructions necessarily could have no application. If the affidavit of Beaulieu, above referred to, be true, you had ignored the instruction yourself in making other allotments.

Believing that the original allotments were made in good faith and that the allottees acquired equitable rights thereunder, you are directed to allot again to Mr. Mooers's children the lands originally granted them, namely, to Alice the E. ½ of the NW. ¼ of sec. 15, T. 142, R. 39, and the (to) Louis the W. ½ of the NW. ¼ of said section.

Fred J. Beaulieu, who submitted Mr. Mooer's protest, will be advised that you have been directed to take this action. When the allotments have been made as directed, you are requested to report the fact to the office.

Very respectfully,

F. E. LEUPP, *Commissioner.*

The CHAIRMAN. I did not notice, Judge, whether you gave such reference to that document as would enable others to locate it as a public document.

Mr. BURCH. Yes: I think I did. Of course, it would only be found, a copy of it, in the Indian Office. It is an exhibit in the United States Supreme Court case which I referred to, and it can be found in that case. We can present the original record, if necessary, if there is any question about it.

The CHAIRMAN. I had in mind that you should identify the original record—not to challenge the accuracy of the copy, but to identify the original.

Mr. BURCH. This afternoon, if the committee desire to have anything from it, we will bring a transcript of the record of the original Supreme Court case which we have with us for the benefit of the committee, so that they can see—not that this is a correct copy of the Indian Office letter, but that it was so treated by the United States Supreme Court in the file of that case, which, I think, would be sufficient for all practical investigating purposes.

It will thus be seen that between the time before the passage of the Steenerson Act and after the passage of it, at this time, a change occurred in the matter of the allotment of the pine upon the White Earth Reservation.

I desire now to challenge the attention of the committee to the language of the rider—the Clapp rider—to the appropriation act of 1904, which I have just alluded to, and to this fact: This and other documents just read show that no pine had before that time been allotted prior to the "passing of that rider, and that the rider refers to pine heretofore allotted, or that may be hereafter allotted." That which might thereafter be allotted would be under the Steenerson Act, which was practically contemporaneous with the rider.

My idea in challenging the attention of the committee to that point, is this, that no pine, so far as was known, had been allotted to Indians at all, but yet the pine is referred to in that rider. But it was provided, as "heretofore or may hereafter"—and the hereafter was included in the Steenerson bill, which was practically contemporaneous.

I think we have now fulfilled the purposes of our subheading of the legislation of 1904, as contained on page 246 of the statement made by me. And now we come to the heading on page 246, of the additional allotment under the Steenerson Act. I may say that we now have prepared photographic copies of correspondence between the Secretary of the Department of the Interior, Indian Office, and the agent, Simon Michelet, of that time, with reference to the additional allotment in severalty of the additional lands. Mr. Chairman, shall I have these read into the record, or file them as exhibits like some of the other papers, or merely read them to the committee?

The CHAIRMAN. In your own judgment, is there anything in these necessary to make your story a continuous one—that is, are there any necessary links in your chain, in these papers, that we ought to know now?

Mr. BURCH. Assuredly; I think you should know the history of these additional allotments. It is set forth after the passage of the Steenerson bill in the action of the authorities in carrying the Steenerson bill into effect—the correspondence, back and forth.

The CHAIRMAN. Well, we would like to hear some of them, at least, and see.

Mr. O'Brien read letter from Simon Michelet, United States Indian agent White Earth Agency, dated November 16, 1904, to the Commissioner of Indian Affairs, Washington, D. C.

Mr. O'Brien stated that this was a photographic copy of the letter of November 16, 1904, and the same was offered and received in evidence, and marked "Exhibit No. 20."

BURD'S EXHIBIT No. 20.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth Agency, Minn., November 16, 1904.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I am in receipt of your communication dated the 8th instant, marked "Land, 77606-1904," advising me that the Otter Tail Pillagers residing on the White Earth Reservation at the date of the passage of the Steenerson Act are entitled, equally with the Mississippi Chippewas, to the additional allotments provided for therein, and advising me to suggest a date when the removal of the Mille Lacs shall cease and when the additional allotments shall commence.

In reply thereto I have the honor to advise you that as far as all of the Indians now residing on the White Earth diminished reservation are concerned, are ready and anxious to take their additional allotments under the Steenerson Act.

Under date of August 17, 1904, I advised you that it would take three years to remove all of the Mille Lac and Sandy Lake Indians to this reservation. For the want of funds to provide them with articles in accordance with the agreement of August 30, 1902, it will be impossible to remove them in a shorter time; in fact I am now removing them faster than I am able to provide them with the necessary articles for lack of authority from your office.

In justice to the White Earth resident Indians who are anxious to take their additional allotments, they should not be compelled to wait for the removal of these Indians who can not be provided for on this reservation in a shorter time.

In view of these facts, I have the honor to recommend that I reserve a sufficient amount of land on this reservation to allot the Mille Lac and Sandy Lake Indians their original allotments of 80 acres each when they remove here, and I be authorized to commence making the additional allotments at once to the resident White Earth Indians out of the residue of the surplus land. This,

in my opinion, will reserve the rights to all of the Indians entitled, and will not deprive any of the resident White Earth Indians of their additional allotments, and by so doing it will enable the Mille Lac and Sandy Lake Indians who are removing here to select their original and additional in one tract, which will prove a great benefit to them.

Very respectfully,

SIMON MICHELET,
United States Indian Agent.

Mr. O'Brien then read from photographic copy of letter from Simon Michelet of December 15, 1904, to Commissioner of Indian Affairs. The same was offered and received in evidence and marked "Burch's Exhibit No. 21."

BURCH'S EXHIBIT NO. 21.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth Agency, Minn., December 15, 1904.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to your communication dated the 2d instant, marked "land, 81686-1904," requesting further information relative to making the additional allotments to the Indians of this reservation under the Steenerson Act, I have the honor to submit the following:

The approved schedule shows—

		Acres.
4,372 allotments, aggregating		362,593.15
355 allotments made since approval of schedule, aggregating		28,284.49
Reserved for agency use		40.00
Reserved for Pembina Day School		80.00
Reserved for Poplar Grove Day School		80.00
Reserved for Buffalo Day School		40.00
Total reserved and allotted		391,117.64
	Acres.	
There are 88 Indians residing on the reservation entitled to 80 acres each, but to whom allotments have not yet been made	7,040.00	
There are 162 Sandy Lake and 687 Mille Lac Indians who are entitled to 80 acres each, when they remove here	67,920.00	
		74,960.00
Total number of acres reserved, allotted, and to be allotted before apportioning allotments under the Steenerson Act		466,077.64
Total acreage of the White Earth Reservation		704,621.92
Deduct		466,077.64
Subject to allotment under the Steenerson Act		238,544.28

There are 2,731 Indians on the White Earth Reservation; 162, Sandy Lake; and 687, Mille Lacs; making a total of 3,580 Indians who are entitled to be allotted under the Steenerson Act.

Referring to your communication dated June 7, 1904, marked "land, 36843-1904," containing instructions relative to making allotments under said act, this will give each Indian entitled 60 acres, or approximately 140 acres each.

Very respectfully,

SIMON MICHELET,
United States Indian Agent.

Mr. O'Brien then read from photographic copy of letter from A. C. Tanner, Acting Commissioner, Office of Indian Affairs, Washington, to Simon Michelet, United States Indian agent, White Earth Agency, dated December 29, 1904. This was offered and received in evidence and marked "Burch's Exhibit No. 22."

BURCH'S EXHIBIT No. 22.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 29, 1904.

SIMON MICHELET, Esq.,
United States Indian Agent White Earth Agency,
White Earth, Minn.

SIR: The office is in receipt of your letter of the 15th instant making further report relative to the expedience of commencing the allotments under the Steenerson Act.

It is noted that you state that there are but 2,731 Indians on the White Earth Reservation who are entitled to the additional allotments under said act, which, with the 162 Sandy Lake and 687 Mille Lac Indians entitled to removal, will make a total of 3,580 allotments to be made under the act.

The office can not reconcile this statement with its records. According to the records here there appears to be considerably more than 2,731 Indians on the White Earth Reservation who are entitled to the additional allotments. You are accordingly requested to explain in detail how you arrive at the number 2,731, or to correct the number in case you are in error. You are requested to give the number of each band or tribe on the reservation who are entitled, as well as those who are not entitled. Your figures should be accompanied by such explanation as to convince the office that you are correct. You will see at once that the question of the number of Indians who are entitled to the additional allotments is a very material one. Your further report should be made as early as possible.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

Mr. O'Brien then read photographic copy of letter from Simon Michelet, dated January 26, 1905, to the Commissioner of Indian Affairs, at Washington, D. C. This was offered and received in evidence and marked "Burch's Exhibit No. 23."

BURCH'S EXHIBIT No. 23.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth Agency, Minn., January 26, 1905.

The honorable the COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to your communication dated the 29th ultimo, marked "Land, 90038-1904," requesting a further statement regarding the number of Indians of the White Earth Reservation who are entitled to allotments under the Steenerson Act, I have the honor to submit the following:

The White Earth Mississippi roll, vou. 84, 2" qr. 1905, contains the names of persons		1,712
Number of deaths on said roll	14	
Number of children born since July 21, 1900, when allotments to children were discontinued	263	
Number of allottees who have approximately 160 acres each	138	
Not entitled to additional allotments		415
Number entitled to additional allotments		1,297
The Otter Tail Pillager roll, vou. 86, 2" qr. 1905, contains the names of		745
Number of deaths on said roll	4	
Number of children born since July 21, 1900, etc	113	
Number of allottees who have approximately 160 acres each	19	
Not entitled to additional allotments		136
Number entitled to additional allotments		609

The Gull Lake Mississippi Roll, vou. 91, 2", Qr. 1905, contains the names of		345
Number of deaths on said roll	4	
Number of children born since July 21, 1900, etc	36	
Number of allottees who have approximately 160 acres each	6	
Not entitled to additional allotments		46
Number entitled to additional allotments		299
The Removal White Oak Point Roll, vou. 92, 2", Qr. 1905, contains the names of		94
Number of deaths on said roll	None.	
Number of children born since July 21, 1900, etc	14	
Number of allottees who have approximately 160 acres each	None.	
Not entitled to additional allotments		14
Number entitled to additional allotments		80
The Removal Mille Lacs Roll, vou. 93, 2", Qr. 1905, contains the names of		514
Number of deaths on said roll	5	
Number of children born since July 21, 1900, etc	63	
Number of allottees who have approximately 160 acres each	None.	
Not entitled to additional allotments		68
Number entitled to additional allotments		446

RECAPITULATION OF THE ABOVE.

White Earth Mississippi Roll, vou. 84, etc	1,297
The Otter Tail Pillager Roll, vou. 86, etc	609
The Gull Lake Mississippi Roll, vou. 91, etc	299
The Removal White Oak Point Roll, vou. 92, etc	80
The Removal Mille Lacs Roll, vou. 93, etc	446
Total	2,731

The foregoing is the manner in which I arrived at the figures submitted to you in my letter of December 15, 1904:

List of Sandy Lake White Oak Point Indians furnished me by Maj. G. L. Scott, acting agent, Leech Lake Agency, who are not entitled to allotments on any reservation except White Earth		207
Number of deaths reported since list was furnished	4	
Number of children born since July 21, 1900, etc	29	
Not entitled to additional allotments		33
Number entitled to additional allotments when they remove to White Earth Agency		174

Of the above 174 Sandy Lake White Oak Point Indians there are 12 who have been removed here and have already received their original allotments of 80 acres each. Their record of allotments appears on the supplemental schedule of allotments which has not yet been submitted to your office. The reason the names of these 12 Indians do not appear on the White Oak Point roll, vou. 92, 2" qr. 1905, is because they removed here too late to receive their annuity, but received it from Leech Lake Agency.

Nonremoval Mille Lac roll, vou. 88, 2", qr. 1905, contains the names of		711
Number of deaths on said roll	4	
Number of children born since July 21, 1900, etc	67	
Not entitled to additional allotments		71
Number entitled to additional allotments when they remove to White Earth Agency		640

Of the above 640 nonremoval Mille Lac Indians there are 70 who have already received their original allotments of 80 acres each, they having been allotted by the late Chippewa Commission. Their allotments appear on the approved schedule of allotments and trust patents having been issued to them, leaving 570 nonremoval Mille Lac Indians who have not received their original 80-acre allotments.

The following Indians belonging to the White Earth reservation are not entitled to additional allotments under the Steenerson act, viz:

Pembina Band, vou. 85, 2", qr. 1905	340
Removal Fon du Lac Band, vou. 87, 2", qr. 1905	59
Removal Leech Lake Band, vou. 89, 2", qr. 1905	298
Removal Cass and Winnebagoshish, vou. 90, 2", qr. 1905	106
Total	803

In my letter of December 15, 1904, I gave the total acreage of the White Earth Diminished Reservation as 704,621.92 acres. I arrived at these figures from your letter of December 2, 1904, marked "Land, 81686-1904." By adding the figures given in that letter contained in the following sentence, "The schedule already approved shows 4,372 allotments, aggregating 362,593.15 acres, leaving 342,028.77 acres subject to allotment," I arrived at the above to be the acreage of White Earth. But by office letter of March 7, 1901, marked "Land, 12069-1901," and the grand total of tract books furnished by your office recently, the total acreage appears to be 706,521.53 acres, and as this letter and the tract books agree, I take this to be the correct figures of the acreage. Also, my letter of December 15th last, I gave the total of allotted land as 362,593.15 acres, which was taken from your letter above referred to, but the tract books and your letter of March 7, 1901, above referred to, give acreage as 364,492.76, and I therefore use these as the correct figures.

Total acreage of the White Earth Diminished Reservation is		706,521.53
Total acres of land allotted on original schedule	364,492.76	
Deduct relinquishments authorized by your office	1,102.74	
	363,390.02	
Add 355 allotments made since approval of schedule	28,284.49	
Reserved for agency use and day schools	240.00	
Total reserved and allotted		391,914.51
There are 88 White Earth Indians who are entitled to the original 80-acre allotments, amounting to	7,040.00	
There are 162 Sandy Lake White Oak Point Indians to be allotted the original 80 acress each	12,960.00	
There are 570 nonremoval Mille Lac Indians who are entitled to be allotted the original 80 acres each when they remove to White Earth	45,600.00	
Total acreage necessary to make original allotments		65,600.00
Total acreage subject to be allotted under the Steenerson Act		249,007.02

Total number of Indians who are entitled to participate under the Steenerson Act is as follows:

On White Earth Reservation	2,731
Nonremoval Mille Lac Indians	640
Sandy Lake White Oak Point Indians	174
Total	3,545

This would give each person entitled to an additional allotment of 70 acres and a fraction, but under office letter of June 7, 1904, marked "Land 36843-1904," containing instructions relative to making allotments under said act, this will give each person entitled an additional 60 acres, or approximately 140 acres each.

The foregoing statement is based upon the supposition that all of the nonremoval Mille Lac and Sandy Lake White Oak Point Indians who are entitled to allotments on this reservation will remove here.

Referring to my letter dated June 22, 1903, complying with office letter of November 28, 1902, marked "Land, 69008-1902," I submitted report showing name, age, and sex, and elections of nonremoval Mille Lac Indians who participated in the distribution of payment for improvements made by said Indians of the said former Mille Lac Indian Reservation. It will be noticed that 114 elected to go to Leech Lake Agency, 66 to the White Oak Point Reservation, 8 to the Winnebagoshish Reservation, and 43 who made no selection. These 43 will about cover the number who, under the act of Congress of 1902, were permitted to remain on said reservation, owing to the fact that they were owners of land on said reservation and were not obliged to remove therefrom, making a total of 231.

Eliminating this number from the 570 (640, see p. 5) nonremoval Mille Lac Indians who have not yet received any allotments, would leave 409, who are entitled to their original 80-acre allotments, and also to additional allotments under the Steenerson Act, which would result as follows:

Total acreage of vacant land		314,607.02
Number of Indians who are entitled to original allotments of 80 acres each:		
88 White Earth Indians, amounting to	7,040.00	
162 Sandy Lake White Oak Point Indians, amounting to	12,960.00	
339 nonremoval Mille Lac Indians, amounting to	27,120.00	
Total		47,120.00
Subject to allotment under Steenerson Act		267,487.02

Number of Indians who are entitled to participate under the Steenerson Act:

On the White Earth Reservation	2,731
Nonremoval Mille Lac Indians	409
Sandy Lake White Oak Point Indians	174
Total	3,314

If the department takes the view that the nonremoval Mille Lac Indians must remove to the reservations which they selected to remove to, as above referred to, then each person entitled to an additional allotment under the Steenerson Act could receive an additional allotment of 80 acres, or approximately 160 acres each.

Referring to my letter of November 16, 1904, in which I requested to confer with you personally on official business, permit me to state that this was one of the important subjects on which I desired to discuss with you, but which was denied by the honorable Secretary of the Interior. I have endeavored to make as full and complete a statement as the circumstances will permit, but there are questions in making an equitable distribution of the additional allotments which I would have liked to discuss with you. There are so many of these questions involved in making this additional allotment that it makes it difficult, without first obtaining your views on the matter, to formulate a definite plan which would meet with the approval of the department.

At this time I desire to state that these are some of the reasons for my said request, but I trust that your office will cover these points in your instructions.

There are a number of Indians who have received their original allotments, and patents have been issued to them, who are not now residing on this reservation. Will your office instruct me in relation to making additional allotments to them.

Very respectfully,

SIMON MICHELET,
United States Indian Agent.

Mr. O'BRIEN. Now, our purpose in reading these figures is to show that they are incorrect; to show that their incorrectness was substantially demonstrated, so that it was impossible to give each Indian 80 acres of land in the White Earth Reservation under the Steenerson Act.

The CHAIRMAN. Well, do you propose to show any admission that the error was not a mistake? You say that they are incorrect. Was that incorrectness the result of mistake, or do you propose to offer evidence on that point?

Mr. O'BRIEN. We do not like, Mr. Chairman, to be in the position of making accusations at the present time. We would rather have the committee receive the testimony of the witnesses as they are presented and read the documentary evidence which we will produce.

The CHAIRMAN. Is the discrepancy, as you see it, a material one?

Mr. O'BRIEN. Yes; there is now, according to the figures which we have, more than 31,000 acres lacking to complete allotments under the Steenerson Act to Indians who are entitled to allotments.

The CHAIRMAN. Allotments to Mille Lac Indians?

Mr. O'BRIEN. Some of them are Mille Lac Indians. In other words, four or five hundred Indians have been crowded out, with no allotment at all, whereas others have valuable allotments of 80 acres of valuable land.

The CHAIRMAN. How many bands of Indians are accounted for in that last letter?

Mr. O'BRIEN. They are all accounted for. All of those bands that would be entitled to allotment on the White Earth Reservation are included.

The CHAIRMAN. Were there other bands besides Mille Lac—some of whom refused to come to White Earth?

Mr. O'BRIEN. Well, the Nelson Act provided that an Indian on any one of the reservations might take his allotment on the reservation on which he resided at the time the Nelson Act was passed or might remove to the White Earth Reservation. Many of the Indians took their allotments on the reservations on which they resided in 1889; others removed to the White Earth Reservation.

The CHAIRMAN. Those who took their allotments elsewhere forfeited, of course, any right to have allotments at White Earth?

Mr. O'BRIEN. Yes. The Steenerson Act provided only for an additional 80 acres on the White Earth Reservation.

The CHAIRMAN. The figures given by Mr. Michelet in the letter you have read refer only to those who agreed to remove to White Earth?

Mr. O'BRIEN. Yes; only those whom Agent Michelet represented were entitled to allotment under the Steenerson Act. He said there are that many and no more who are entitled to allotments under the Steenerson Act.

The CHAIRMAN. Now, at that time were all the Indians to whom he referred resident on the White Earth Reservation?

Mr. O'BRIEN. Well, the Steenerson Act was not limited to residents alone, but provided that any Indian resident on the White Earth Reservation or who should remove there was entitled to an allotment under the cultivation clause of the treaty of 1867—should also receive an allotment.

The CHAIRMAN. What do you claim your evidence will show with reference to Michelet's opportunity to know the facts?

Mr. O'BRIEN. Well, we claim that he had ample opportunity to know the facts, and there is no reason in the world why he should not know all the facts.

Mr. O'Brien here read photographic copy of letter from C. F. Larrabee, acting commissioner at Washington, to the Secretary of the Interior, dated February 25, 1905.

This was offered and received in evidence and marked "Burch's Exhibit No. 24," as follows:

BURCH'S EXHIBIT No. 24.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 25, 1905.

The honorable the SECRETARY OF THE INTERIOR.

SIR: On June 10, 1904, the department approved a letter of instructions to Agent Michelet, of the White Earth Agency, Minn., directing him to make the additional allotments to the Mississippi Chippewas on the White Earth Reservation as provided by the act of Congress of April 28, 1904 (33 Stats., 539), known as the Steenerson Act. The letter of instructions was transmitted to Agent Michelet with office letter of June 14, 1904.

In a later letter dated July 5, 1904, Agent Michelet was instructed that the removal Mille Lac Indians and the other removal Indians should be granted the allotments of 80 acres each to which they are entitled under the act of January 14, 1889 (25 Stat., 642), before commencing to make the additional allotments to the Mississippi Chippewas under the Steenerson Act; that it was thought the work would be simplified by this method and confusion and errors avoided.

Under date of August 17, 1904, Agent Michelet advised the office that in his judgment it would require three years to remove all the Mille Lac and Sandy Lake Indians to the White Earth Reservation, owing to the lack of funds to provide the Mille Lacs with the articles to which they were entitled under the agreement of August 30, 1902; and that in fact he was then removing them faster than he was able to provide them with the articles to which they were entitled for lack of proper authority from this office. On November 16, 1904, Agent Michelet called attention to this report and stated that the resident Mississippi Chippewas were willing and anxious to secure their additional lands under the Steenerson Act, and that in justice they should not be required to wait two or three years while the original allotments were being made to the removal Indians before being granted their additional allotments under said act.

On December 2, 1904, the agent was requested to report to the office how many allotments he had made on the White Earth Reservation since the approval of the original schedule, and the number of acres included in such allotments; the number of Indians then permanently residing on the White Earth Reservation who were legally entitled to allotments but to whom allotments had not already been made; the number of Mille Lac and Sandy Lake Indians yet to be removed to the White Earth Reservation, who, upon removal, will be entitled to allotments, the purpose being to determine how much land would be left to make the additional allotments under the Steenerson Act after all the original allotments under the act of January 14, 1889, had been made.

Agent Michelet replied, under date of December 15, 1904, giving the detailed information called for; but the office was unable to entirely reconcile his statements with the records, it being feared that some error had been made in the statement that there were but 2,731 Indians on the White Earth Reservation who were entitled to the additional allotments under the Steenerson Act. So on December 29 the agent was requested to revise his statements, giving the facts in greater detail, showing the numbers in each particular tribe or band.

The office is now in receipt of Agent Michelet's reply, dated January 26, 1905. He gives the detailed facts called for, showing his first statement to be correct that there were but 2,731 Indians now legally residing on the White Earth Reservation who are entitled to the allotments under the Steenerson Act. It is not deemed necessary here to repeat the agent's statements in full, as the letter will be transmitted herewith for the information of the department. Attention, however, is invited to the summary at the bottom of page 4, showing the acreage already allotted, and the vacant lands subject to allotment; also to the statements and summary on pages 5 and 6, especially the statements with reference to the Mille Lac Indians. It appears from the report that 114 Mille

Lac Indians elected to go to the Leech Lake Reservation and to take their allotments thereto; 66 to the White Oak Point Reservation; 8 to the Winnibigoshish Reservation; and 43 who made no selection; and that the number who made no selection will about cover the number who, under the provision of the act of May 27, 1902 (32 Stats., 268), were permitted to remain on the Mille Lac Reservation. Eliminating these 231 Indians from the 640 nonremoval Mille Lac Indians who have not yet received their allotments, would leave 409 who are entitled to both the original allotments and the allotments under the Steenerson Act. Seventy of the 640 nonremoval Mille Lacs have already received their original allotments of 80 acres, leaving but 570 who are entitled to both classes of allotments.

Especial attention is invited to the final summary on page 6, from which it appears that after land is reserved to make the original allotments under the Act of January 14, 1889 (except to the 231 Mille Lacs mentioned above), there will remain 267,480.02 acres to be allotted under the Steenerson Act; and that there is a total of 3,314 persons entitled to allotments under the last-mentioned act—barring, of course, the 231 Mille Lacs referred to. Upon this basis there is enough land on the White Earth Reservation to give all the Indians legally entitled thereto the full amount of 80 acres each under the Steenerson Act.

The purpose of Agent Michelet in these reports is to secure authority to reserve enough land to make the original allotments under the act of January 14, 1889, and to commence at once the allotments under the Steenerson Act to the resident Mississippi Chippewas; also instructions that the 231 Mille Lac Indians above referred to who have elected to remove to the other reservations or to remain on the Mille Lac Reservation, are not to be allotted on White Earth Reservation—or in other words, that their election is to be taken as final, and that they be required to remove to the other reservations and to take their allotments thereon. And, as before stated, if these 231 Mille Lacs are eliminated there will remain land enough at White Earth to make all the original allotments under the act of January 14, 1889, and to grant the full amount of 80 acres to all who are entitled to allotments under the Steenerson Act.

Everything considered, the office is of the opinion that the election of the 231 Mille Lacs should be regarded as final, and that they should not now be granted allotments at White Earth, even though they should so desire; the office also sees no objection to reserving lands sufficient to make all the original allotments under the act of January 14, 1889, and to commence at once to make the allotments to the resident Mississippi Chippewas under the Steenerson Act; and recommendation is made that such instructions be given Agent Michelet.

The agent's letters of November 16 and December 15, 1904, and January 26, 1905, are transmitted herewith for your further information.

Very respectfully,

C. F. LABRABEE, *Acting Commissioner.*

Mr. O'Brien then read photographic copy of letter from E. A. Hitchcock, Secretary of the Department of the Interior, dated March 3, 1905, to the Commissioner of Indian Affairs. The letter was marked "Burch's Exhibit 25," and was offered and received in evidence as follows:

BURCH'S EXHIBIT NO. 25.

DEPARTMENT OF THE INTERIOR,
Washington, March 3, 1905.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: I acknowledge the receipt of your letter of 25th ultimo, in which you refer to department approval of June 10, 1904, of instructions to Agent Michelet, of White Earth Agency, Minnesota, to make additional allotments to the Mississippi Chippewas on the White Earth Reservation, as provided by the act of April 28, 1904 (33 Stats., 539), known as the "Steenerson Act," and state that on July 5, 1904, Agent Michelet was instructed by you that the removal Mille Lac Indians and the other removal Indians, should be granted allotments of 80 acres each to which they were entitled under the act of January 15, 1889, before commencing the additional allotments to the Mississippi Chippewas under the Steenerson Act; that Agent Michelet replied that it would, in his judgment, re-

quire three years to remove all the Mille Lac and Sandy Lake Indians to White Earth Reservation, and a later report shows that there are 640 nonremoval Mille Lac Indians who have not yet received allotments, of which number 114 have elected to go to the Leech Lake Reservation and take allotment: 66 to the White Oak Point Reservation; 8 to the Minnibigoshish Reservation, and 43 who have made no selection (and who are expected to remain where they now are), those who made no selections being about the number who, under the provisions of the act of May 27, 1902, were permitted to remain on the Mille Lac Reservation.

Your letter shows that 70 of the 640 Mille Lacs have already received original allotments of 80 acres (who are each entitled to 80 acres more), leaving 570 who are entitled to both classes of allotments, and that there are lands on the reservation sufficient to give all the Indians legally entitled thereto the full amount of 160 acres each, to which they are entitled under the two acts.

I agree with you that the election of the 231 Mille Lacs should be regarded as final, and see no objection to reserving lands sufficient to make all the original allotments under the act of January 14, 1889, and to commence at once to make allotments to the resident Mississippi Chippewas under the Steenerson Act, and you will please so instruct Agent Michelet.

The enclosures to your letter are herewith returned.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

Mr. O'BRIEN. In the letter which I have just read, Exhibit 25, the letter from Secretary Hitchcock to the Commissioner of Indian Affairs, the Secretary refers to the act of January 15, 1889, doubtless meaning the act of January 14, 1889.

(The committee here took a short recess.)

Mr. O'BRIEN. Mr. Chairman, it is our purpose in this matter to assist the committee in every way that we can in throwing light upon what actually happened in 1904 when the allotments were made under the Steenerson Act; and for that reason we had the Indian Office compile figures up to the present time of the number of Indians who were entitled to allotments under the Steenerson Act and under the Nelson Act, and also as to the acreage of the reservation, the number of acres of lake land, and the number of acres of swamp land, etc., so as to determine how much each Indian should receive under the Steenerson Act had the Steenerson Act been properly enforced. The next exhibit which we shall introduce from the files of the Interior Department——

The CHAIRMAN. Before you go into that as to the lake and swamp lands, is that communal property or Government property, as you understand it?

Mr. O'BRIEN. As I understand it, the swamp land went to the State of Minnesota under an act of Congress.

The CHAIRMAN. Under the old swamp-land act?

Mr. O'BRIEN. Yes; but prior to the time the State asserted and secured its claim to the swamp land some 10,000 acres of swamp land had been patented to the Indians.

Mr. GEORGE. Do you mean by that as allotments?

Mr. O'BRIEN. Yes.

Mr. GEORGE. That swamp land was given to them as their only allotment?

Mr. O'BRIEN. Well, as their first allotment, the first 80. The 10,000 acres was patented. A total of about 36,000 acres of swamp land was allotted, so that for all practical purposes for our figures

now, we need strike out only the 26,000 acreage of swamp land, for the reason that the State of Minnesota could not get the first 10,000 swamp land which had been already patented to the Indians.

The CHAIRMAN. Does that remain as the allotment of these Indians who ceded——

Mr. O'BRIEN. I so understand it. Now, as to the 59,000 acres of lake land, of course, that was communal property; that was part of the Indian reservation. In fact, the treaty creating the White Earth Reservation expressly provided that the two large lakes should be a part of that reservation; that the reservation should include those lakes, for the reason that the Indians were greatly disposed to fish, hunt, etc.

The CHAIRMAN. The treaty of 1867?

Mr. O'BRIEN. The treaty of 1867; yes.

I will now read a letter from C. F. Hauke, Second Assistant Commissioner of Indian Affairs, addressed to the Hon. M. C. Burch, attorney in charge of White Earth matters, Department of Justice, dated November 18, 1911.

Mr. O'Brien then read the photographic copy of the letter referred to, which was marked "Burch's Exhibit No. 26," and was offered and received in evidence, as follows:

BURCH EXHIBIT NO. 26.

NOV. 18, 1911.

Hon. M. C. BURCH,
Attorney in charge of White Earth matters,
Department of Justice, Washington, D. C.

SIR: The office has received your letter of November 15, 1911, requesting certain statistical information concerning the White Earth Reservation, Minnesota, for use in connection with the investigation now in progress before the Committee of the House of Representatives on Expenditures in the Interior Department. You submit a list of 12 inquiries, which you request to have answered.

In response thereto I submit answers to the first five inquiries, as follows:

1. Total acreage of original White Earth Reservation, consisting of 36 townships, 796,624.06 acres.

2. Total acreage of reservation after the deduction of four townships in the northeast corner, which were eliminated, 707,304.86 acres.

3. Total acreage of swamp land claimed by State of Minnesota on the diminished White Earth Reservation, 37,032.28 acres. From this must be deducted 10,374.13 acres, which were patented to individual Indians before the State had asserted its claim to the swamp lands within the reservation.

4. The approximate acreage of meandered lakes included in the 32 townships of the diminished reservation is 59,731.24 acres.

5. Approximate acreage left for allotments under the act of January 14, 1889, after deduction of swamp lands and water area, 680,646.71 acres.

The other inquiries can not be as readily answered by this office as by the superintendent in charge of the White Earth Agency. I have accordingly sent a copy of your letter to Superintendent Howard, and requested him to submit answers to inquiries 6 to 12, inclusive. A copy of the letter to Superintendent Howard is inclosed. When the superintendent's report has been received the office will communicate with you further.

As requested by you I hereby certify that the statistics herein furnished are approximately correct.

Respectfully, (Signed) C. F. HAUKE,
Second Assistant Commissioner.

Mr. O'BRIEN. I will now read letter from Mr. John R. Howard, superintendent, White Earth, to the Commissioner of Indian Affairs, Washington, dated White Earth, Minn., December 4, 1911.

The photographic copy was marked "Burch's Exhibit No. 27," and offered and received in evidence as follows:

BURCH'S EXHIBIT No. 27.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth, Minn., December 4, 1911.

The honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to office letter of November 18, 1911, in which I am requested to submit certain statistical information called for by Hon. M. C. Burch, attorney of the Department of Justice in charge of White Earth matters, dated November 15, inquiries 6 to 12, inclusive, the office having already submitted answers 1 to 5, inclusive, I have the honor to give the following:

6. Allotted previous to April 25, 1905:

Original allotments	362,121.61 A
Additional allotments	223,790.41 A
Reserved, schools, etc	1,760.86 A
	587,672.88 A

By taking the proper amount from the amount submitted by the office in answer to No. 5, the correct figures can easily be ascertained.

7. 5,093 Minnesota Indians have received original allotments on the White Earth Reservation under the act of January 14, 1889.

8. The number of Indians who have taken land or allotments on other reservations or on public lands outside of the White Earth Reservation under the act of January 14, 1889, can not be ascertained at this agency, for the reason that we have not been furnished with the material for keeping such a record.

9. Land allotted on White Earth Reservation as original allotments, and the number of allottees:

To the year 1900	362,121.61 A.
To the year 1907	40,151.61 A.
To the year 1909	16,921.40 A.
Total original	419,194.62 A.

to 5,093 allottees.

10. Total number of Indians entitled to allotments under the act of April 24, 1904, on the White Earth Reservation, 3,403.

11. Unallotted but entitled to either original or additional on the White Earth Reservation:

12 years and over	298
Under 12 years	1,780
Total	2,078

12. Number of Indians entitled to original allotments on the White Earth Reservation who did not receive more than one allotment:

Total number original allottees	5,093
Total number additional allottees	3,068
Total number with one allotment	2,025

Trusting that the above will assist the office in answering the inquiries of Mr. Burch, I am,

Very respectfully, JOHN R. HOWARD, *Superintendent.*

The CHAIRMAN. When was the census showing 5,093 Indians made with reference to the Michelet census showing 2,731?

Mr. O'BRIEN. I don't know when it was made, but the information which we received was contained in the letter dated December 4, 1911.

The CHAIRMAN. The point I want to get at is whether sufficient time between the two events would in any degree account for the increase.

Mr. O'BRIEN. Well, if any great period of time elapsed, I understand there would be a decrease, for the reason that the Chippewa race is diminishing rather than increasing.

Mr. CARL. Mr. Chairman, may I ask if this is the number of the Indians that are entitled to allotment, or the number of Indians altogether?

Mr. O'BRIEN. The figures show that for themselves; that is, each set of figures is labeled, you know, showing just what is meant. Each set of figures is explained in the letter. Maybe, by reading it over you gentlemen might be able to throw further light on it.

Mr. CARL. Under the orders of the Indian Office, there was a discontinuance of the allotting to children in 1900. Children born after 1900 were not entitled to allotment, and there were a great many children born after that time, between that time and the present. They were placed on the rolls as being regular Indians.

Mr. O'BRIEN. I think on reading Mr. Howard's letter there is some statement there distinguishing the Indians born subsequent to 1912.

The CHAIRMAN. You may see that letter, it is filed with the report, and you may have a chance to make any necessary explanation.

Mr. O'BRIEN. I wish to present to the committee a statement showing the quantity of land available and required in allotment to the White Earth Indians, signed by "John R. Howard, superintendent and special distributing agent, White Earth Agency, dated March 7, 1911, submitted to the honorable Commissioner of Indian Affairs." This is marked "Burch's Exhibit 27-A."

BURCH'S EXHIBIT No. 27-A.

Statement showing quantities of land required and available for allotment to White Earth Indians, Minnesota.

	Acres.
Total unallotted land on the reservation	42,778.75
Unallotted land, including swamp (State list 169), reserved for agency, school, church, etc	18,042.11
Net unallotted land	24,736.64
Quantity of land allotted but not patented, being swamp land selected by the State. (See office letters, land allotments, 102385-1910, 1566-1911, Jan. 14, 1911; 622-1911, Feb. 1, 1911, OMM.)	7,533.52
These parties to be reallotted.	
Quantity required by (No. 247) Mille Lac, Sandy Lake, and other nonremoval Indians, entitled to allotment of 160 A. each	39,520.00
Quantity required by (No. 88) other Indians entitled to allotments. (29 at 160 A. 4640—57 at 80 A. 4560)	9,200.00
Total required for allotment	56,253.52
Net unallotted land	24,736.64
Amount of land lacking to make necessary allotments	31,516.88

Respectfully submitted to the honorable Commissioner of Indian Affairs.

JOHN R. HOWARD,
Supt. & Spl. Disb. Agt.

WHITE EARTH AGENCY, MINN., *March 7, 1911.*

Mr. O'BRIEN. At this very moment Judge Burch has received a letter from the White Earth Agency, dated January 24, 1912, just

delivered, containing further information on the same subject, and for that reason we would like to read the original, signed by M. C. Kelsey, financial clerk, in further answer to the inquiries in these letters I have just read.

Exhibit 28 was offered and received in evidence, as follows:

BURCH'S EXHIBIT No. 28.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth, Minn., January 24, 1912.

Hon. M. C. BURCH,
Atty. in charge White Earth matters,
404 Federal Bldg., Minneapolis, Minn.

DEAR SIR: Answering the last seven questions of your letter to the honorable Commissioner of Indian Affairs, dated November 15, 1911, as explained in your letter of January 16, 1912, will say that Superintendent John R. Howard is away from White Earth at this time making annuity payments, with a large part of the office force, which has delayed answering your letter.

I have examined the answers to questions submitted to the honorable Commissioner of Indian Affairs by this office, under date of December 4, 1911, and find that some of the questions were not fully understood, and for that reason they did not give you the information requested.

Answering question No. 6, as explained in your letter of January 16, namely:

"How much land was there left to allot under the Steenerson Act after original allotments under the Nelson Act were made?"

All original allotments to Indians entitled thereto have not as yet been made. There are about 60 applications on file in this office for original allotments which have not been acted upon. There are 274 nonremoval Mille Lacs born before July 21, 1900, who were entitled to allotments when they removed to this reservation; so that question can not be answered in the form that it is put, but the conditions are as follows, which will give you the information wanted. There are 32 townships upon the White Earth Reservation. These townships contain 680,646.71 acres, after deducting swamp lands selected by the State of Minnesota and meandered lakes. There have been allotted by original allotments under the act of January 14, 1889, 407,440 acres; there have been allotted by additional allotments, under act of April 28, 1904, 241,440 acres, making a total of original and additional allotments of 648,840, leaving unallotted upon the reservation 31,766.71 acres. These figures I have taken from former reports, not having had time to verify them; but it seems to me that the number of acres allotted is a little too small. I believe, from an inspection of the tract books, that there are only about 5,000 to allot under both original and additional allotment acts. There is another matter to be taken into consideration in these questions which might not change the total result very much, but for the sake of good bookkeeping should be noticed. The Pembina Band was given township 144, range 42, and is not permitted to take allotments outside of that township, and the other bands of Indians are not allowed to take allotments in that township; in other words, this township is a little reservation within the White Earth Reservation, and it seems to me should be considered apart from the rest of the reservation, and these Indians should not be enumerated with others in considering these questions.

Answering question No. 7, namely:

"How many of the 6,819 Minnesota Indians received original allotments under the act of January 14, 1889, on the White Earth Reservation?"

There were 5,093 original allotments, but 17 of these have been canceled for various reasons from time to time, and therefore there are only 5,076 original allotments.

Answering question No. 8, namely:

"How many of said number last above mentioned took allotments on other reservations or on public land outside of the White Earth Reservation under provision of act of January 14, 1889?"

This question can not be answered at this office for the reason that no report of such matters is made here.

Answering question No. 9, namely:

"Total number of acres of land allotted on the White Earth Reservation as original allotments and the number of such allotments, for instance (that is), under the act of January 14, 1889?"

The total number of acres allotted under the act of January 14, 1889, is 407,744.00, as before stated; number of allotments now existing, 5,076.

Answering question No. 10, namely:

"How many Indians are entitled to allotment under the Steenerson Act?"

All Indians belonging to the White Earth Mississippi, Mille Lac, White Oak Point, Gull Lake, and Ottertail Pillager bands are entitled to an additional allotment, while the Indians of the Pembina, Removal Miss, Leech Lake, Removal Fond du Lac, and Removal Cass Lake, and Winnibegoshish bands are not entitled. There have been 3,068 additional allotments made by those entitled thereto, and there are, approximately, 200 entitled to additional allotments who have not made applications or who have not been able to find land unallotted of much value.

Answering question No. 11, namely:

"How many Indians are entitled to allotments under the Nelson Act that did not receive an additional allotment?"

This question can only be answered by comparing the original allotment schedule with the census roll. The annuity-payment party in the field has a part of those books necessary to make this comparison, and I can only state that there are, approximately, 200. I think this answer also answers question No. 12. The reason that I place the number of those entitled to original allotments the same as additional is because those Indians who are not entitled to additional allotments under the various acts about offset the number of original allottees who have not taken additional allotments although entitled thereto.

Very respectfully,

M. C. KELSEY, *Financial Clerk.*

Mr. O'BRIEN. That is all the statistical information that we can give the committee at this present time; but when the committee goes to the reservation, if the committee goes there, they doubtless can paw over the original records and get the correct state of affairs.

At this time we wish to call the committee's attention to the fact that while many Indians whom we expect to prove were favored for the particular purpose that they might receive pine lands and deliver to a certain lumber company, received full allotments of 80 acres each, and valuable pine lands at that there were 200 or more Indians who received no allotment at all.

Mr. GEORGE. Not even the original allotment?

Mr. O'BRIEN. According to this last letter, not any allotment at all.

The CHAIRMAN. Mr. O'Brien, with reference to your last statement, do you propose to identify the Indians who were favored as you suggest, and then follow those Indians, and show what became of their allotment?

Mr. O'BRIEN. That is just exactly what we intend to do, Mr. Chairman; trace the pine right down to where it started, and into the different hands it arrived.

EDWARD B. LINNEN sworn by the chairman, testified as folows:

Examined by CHAIRMAN:

Q. Mr. Linnen where is your present home?—A. Minneapolis, Minn.

Q. How long has this been your home?—A. My folks moved here about two years ago.

Q. Prior to that where did you live?—A. Salt Lake City, Utah.

Q. For how long?—A. About 10 years.

Q. During all that time what has your business or occupation been?—A. I have been an inspector for the Interior Department.

Q. For how long a time have you been in the service of that department?—A. About 18 years.

Q. Did you ever serve the Government in any other capacity than that?—A. Yes, sir.

Q. In what way?—A. I was connected with the Post Office Department for a period of about four years.

Q. Prior to this service?—A. Yes, sir; and also I was connected with the War Department as an inspector for river and harbor improvements for a period of about three years.

Q. That would cover your entire adult life, would it not?—A. Practically; yes.

Q. It would seem to cover more than that, Mr. Linnen, judging by your apparent age. What are the duties of the office you now hold?—A. General inspection of all matters under the office of the Secretary of the Interior, particularly the last few years, investigation and inspection of Indian mattters, Indian reservations, Indian agencies, Indian schools, and such as that.

Q. I suppose you are acquainted with the White Earth Reservation?—A. Yes.

Q. Did your acquaintance with the Minnesota Indians antedate the gathering of the Indians to White Earth? Were you familiar with Indian conditions before the establishment of the White Earth Reservation?—A. Well, I might say I was born in Minnesota and have been familiar with Indian conditions practically all my life, but I did not visit the White Earth Agency until the summer of 1909.

Q. You visited it in your official capacity, then?—A. I did, sir, under the direction of the Secretary of the Interior.

Examined by Mr. BURCH:

Q. Bearing in mind that at this time I wish only to direct your attention to what you have subsequently found and to what you have previously heard with reference to the additional allotment of lands on the White Earth Reservation under the so-called Steenerson Act, I will ask you in whose particular company you started upon your mission in the summer of 1909 to the White Earth Reservation under the instructions of the Secretary of the Interior?—A. I met in Chicago, Ill., Mr. Warren K. Moorhead, who is professor of the Phillips Academy at Andover, Mass., who had been assigned by the Secretary as a special Indian agent for the purpose of accompanying me on the White Earth Indian Reservation, to make an investigation of conditions, and I accompanied him there.

Q. At what date did you meet him in Chicago, approximately?—A. I met him in Chicago about the 8th of 10th of July, 1909.

Q. Did you proceed immediately to the reservation?—A. He did, but I did not. I arrived about the 16th or 17th of July, 1909, as I now recollect, he having preceded me by a few days.

Q. Did you then proceed upon an investigation of certain alleged fraud, wrong, and troubles committed to you—did you?—A. Yes, sir. I made a general investigation, touching practically all the various conditions on the White Earth Reservation.

Q. Beginning with the 16th of July, 1909, how long did you continue that work?—A. Until about the middle of October, 1909, as I now recall.

Q. Did you get there evidence upon various subjects during that time, or what you considered so, in the form of affidavits?—A. I gathered a great deal of evidence in the form of some 524 or 525 affidavits.

Q. Did you get there affidavits or evidence in connection with the so-called allotment under the so-called Steenerson Act?—A. Yes; we secured a few affidavits touching on these points, and in my report, or our joint report, we touched upon those conditions and referred to those particular affidavits.

Q. Have you that portion of your joint report—when you speak of that, I suppose you mean the report of Mr. Moorhead and yourself?—A. I have, sir.

Q. Or a copy of it?—A. I have, sir.

Mr. BURCH. I desire now to offer that portion of Mr. Linnen's report which is made in sections and relates to different subjects, as I understand, and I will ask the witness to read it without it being taken in the record, and I will file it, the same as we have done, if it suits the views of the committee.

Examined by Mr. BURCH:

Q. What is the date of that report?—A. The date of September 30, 1909.

Q. To whom was it made?—A. It is addressed to the honorable Secretary of the Interior, Washington, D. C. The first preliminary report is by myself as inspector, and the subsequent divisions of the report—it was in six divisions, to wit, A, B, C, D, E, and F.

Q. What did A refer to?—A. A referred to the full bloods and minors; B referred to the farming lands; C referred to timber lands; D referred to health and hospital needs; E referred to the whisky problem; and F referred to the encouragement of industry.

Q. In which division of your report was the matter of the additional allotments treated?—A. In my original preliminary statement to the Secretary I made a short and brief reference to it, but in division section C——

Q. Wait one moment. In this connection, just that excerpt from the preliminary report—I will ask you to read into the record that portion of the report alluding to the subsequent or general nature of it, unless the committee desire it in some other way.

The CHAIRMAN. Do you mean by that, that that particular portion of it will be duplicated in the record?

Mr. BURCH. We expect to offer the whole report later, but in this particular connection, and to make a connected story of that, perhaps it might be well to read that now.

The CHAIRMAN. Let us hear it then. Is it joint or individual?

The WITNESS. This first statement is my preliminary report to the secretary and is my report, but the subsequent report is contained in section C and is the joint report of Mr. Moorhead and myself.

Mr. BURCH. It is just that slight allusion in the preliminary report of the secretary that I desire to have read in at this time.

The CHAIRMAN. We have no objection.

The WITNESS. From my original report I read as follows:

The additional allotments, many of which contained valuable pine, were not honestly made by former Indian Agent Simon Michalet, in charge of said reservation, the evidence still remaining on the tract books show that the

valuable pine allotments had been selected in advance and the names of the favored half-breeds who obtained such allotments written in pencil in said tract books.

Mr. BURCH. We have them or will produce them. Now you may turn to division C.

The WITNESS. Shall I read all of section C, which had to do with the timber land?

Mr. BURCH. Shall it be read into the record?

The CHAIRMAN. Do you mean by that it also be duplicated in the record?

Mr. BURCH. Upon reflection, we will let it be read for the committee, and then we will offer the whole report later on, if that is satisfactory.

The CHAIRMAN. What is the subject matter of it?

The WITNESS. Timber lands. There are other matters outside of that particular thing, but it all leads up to that.

The witness reads section C.

The WITNESS. The affidavits referred to, I have here.

The CHAIRMAN. Judge Burch, let me inquire, is it your purpose to offer testimony in support of statements made in this report, other than the affidavits that Mr. Linnen refers to?

Mr. BURCH. If you desire, we can offer testimony as long as the committee will sit to hear it. We had not expected to produce all the witnesses and persons interested. We introduced this for the purpose of showing general conditions there, but as long as the committee is desirous of sitting here, I presume it would be a month or so. There is not time, however, to go into all the details, our purpose being merely to show what the committee wish to know of the general condition of affairs.

The CHAIRMAN. My reason for asking the question is based upon the very serious character of the charges it contains; and secondly, upon the somewhat unsatisfactory nature of ex parte affidavits.

Mr. BURCH. We will leave that optional with the committee, if they desire not to have the affidavits we will leave them out; if they desire to have the affidavits and have testimony——

The CHAIRMAN. The affidavits are a part of the official file—a part of the record.

Mr. BURCH. But the question in my mind was, as stated, whether ex parte affidavits would receive sufficient reports on such grave charges.

The CHAIRMAN. It would depend on what might be produced by the other side.

Mr. BURCH. I will say that we will go on with the inspector, and during the lunch intermission, if the committee desires to take one now, we will try to prepare to show—I do not know whether we could produce the people who made the affidavits, but I presume if time were given us we could.

The CHAIRMAN. I do not know what course we will take as it develops, but the charges in this report are very serious, and I should suppose that testimony supporting them ought to be reasonably strong and an opportunity given to those affected by them to enable them to combat them. Let me call your attention to a matter that occurred to me as you went along: I think probably you thought of it. In view of the charges made against Mr. Michelet, we would like

it if you could throw some light on the source of the influence whence he secured his appointment. Possibly we can get it when we get back to Washington. It might or might not affect this question.

Mr. BURCH. I have no personal—I have not been informed about it—but, of course——

The CHAIRMAN. Well, I don't care about that now.

Mr. BURCH. I will make application to the Attorney General to send the files of the appointment clerk of the Interior Department—to ask the Interior Department for the files of the appointment clerk. Because if it is the wish of the committee, I will do that by telegraph.

The CHAIRMAN. Where does Mr. Michelet live now?

Mr. BURCH. I am informed he lives in this city.

The CHAIRMAN. Of course, there is a way of finding out: he doubtless knows people here. We want it distinctly understood that Mr. Michelet will have abundant opportunity to make a showing.

Mr. BURCH. We thought of subpœnaing him ourselves—that is, asking the committee to subpœna him; but that matter has not been determined, and I am willing to consult together with my associates during the noon intermission. All we care for is light.

Mr. BEAULIEU. Mr. Chairman, at this time I would like to ask Mr. Burch if these charges which he has mentioned were not tried at Fergus Falls last March.

Mr. BURCH. I don't know a thing about it; I was not there.

Mr. POWELL. I would like to ask if Mr. Linnen will continue in attendance. He is not excused at this time?

The CHAIRMAN. Oh, no; you will have ample opportunity.

Recess until 2 p. m.

AFTERNOON SESSION.

JANUARY 25, 1912—2 P. M.

Mr. BURCH. I desire to state to the committee that we are greatly embarrassed and hardly know how to deal with the dilemma, by reason of the absence of the witnesses for whom subpœnas were issued and placed in the hands of the committee's sergeant at arms, and we would like to inquire if the sergeant at arms has yet been located, or heard from.

The CHAIRMAN. He has not. I really don't know where he is. I assume that he is out in the field, and he certainly ought to report from time to time, but he has not done it.

Mr. BURCH. We are for that reason obliged to proceed in a less orderly, regular, and consecutive manner, in the presentation to the committee of that which was mentioned in our statement than we otherwise would. But we will do the best we can not to delay the progress of the committee in the investigation, and assume that, if the witnesses appear later their testimony may be taken in such a way as to reflect back to that portion of the hearing in which it would properly come.

The CHAIRMAN. It will be in order, when they do appear, for you to suggest where in the record, in your judgment, their testimony should have appeared.

Mr. BURCH. We assume that since the witnesses desired have not appeared in the courtroom, they are not here; we are absolutely in

the dark. This is particularly true of the witnesses we had hoped to examine now in regard to the four townships matter.

The CHAIRMAN. We will endeavor to arrange, when those witnesses do come in, if they do not come too late, that all the testimony concerning the four townships be published together.

Mr. BURCH. Now, respecting the question propounded by the chair before recess as to the notification of parties mentioned in the report of Mr. Linnen to the Secretary of the Interior, it would be entirely agreeable to us if these parties were notified. We are willing to give to the committee, so far as we know, the residence of the parties who are named. I understand that two persons mentioned—Mr. Beaulieu and Mr. Carl—are present in court room. Mr. Fairbanks, I think, is not present here. I do not know whether he has been notified of the meeting. The Nichols-Chisholm Lumber Co. are represented here by Mr. R. J. Powell, as he has already announced to the committee, and he has already stated that he should want to cross-examine respecting these matters that have been brought out, as I understand it. I presume he will be here shortly; and the query in my mind is, inasmuch as he is not here, whether we should proceed without him!

The CHAIRMAN. Yes; I think so.

Mr. BURCH. However, respecting these affidavits, which, as I understand, were submitted by the inspector to the Secretary in connection with his report, we have this to say, in a hasty examination of the matter, so far as we have gone: As we understand, there are quite a number of these affidavits relating to matters which occurred previous to the actual process of allotment when it was begun, on Easter Monday, 1905—April 24, 1905. The tract books mentioned by Mr. Linnen in that report we understand to be at the White Earth Agency, and we understood from the special Indian agent last night that he would endeavor to send them down. We can telegraph for them. He refers to the appearance on the face of these tract books, and if the committee would desire to see those, why, we will endeavor to produce them as quickly as they can be reasonably gotten here. Respecting the parties who made these affidavits, we are trying to get the affidavits——

Mr. LINNEN. I have the particular ones which I referred to here.

Mr. BURCH. The affidavits, then, I understand, are here, but we have not been able to go over the list of affiants as yet, so far as we understand, to know who are mentioned of the people up there, whether we could produce all of them. We certainly could not do so at once, but during the sessions of this committee we could doubtless get them to testify orally and subject themselves to cross-examination relative to the matters contained in the affidavits. Our only idea about this matter is to throw light in a satisfactory manner upon this matter for the benefit of the committee. We assume the attitude of trying to enlighten the committee to the best of our ability. If, therefore, the chairman thinks the affidavits would be of no probative force, and would not be desirable at this time until we know whether the witnesses can be subpœnaed and their presence obtained, and the committee would desire this course to be taken before the affidavits should be read, then we simply defer to the wishes of the committee. On the other hand——

The CHAIRMAN. I fear you misunderstood my remarks before lunch. I do not think I intimated—I certainly did not mean to inti-

nate—that an ex parte affidavit would have no probative force. If I said that, it was a blunder; I did not mean to say it. Of course, they have probative force; but I need hardly to say to you that an ex parte affidavit has not as much probative force as a statement of the same facts by the witness, who is subjected to a fair cross-examination.

Mr. BURCH. The chairman states exactly my ideas of the value of the affidavits. I do not think any experienced lawyer has any doubt about the suggestion, and that is why I put it to the committee. I am perfectly willing to put in the affidavits and obtain——

The CHAIRMAN. I understand they are competent and good for what they are worth. My purpose was to call your attention to the credit which should be given to them as compared with a higher character of evidence.

Mr. BURCH. That is for the committee to judge in their finding or report, whenever they make it. With that understanding, and the affidavits being here, we will go on with them, with my statement to the chairman that if possible we will produce some at least of the persons who made these affidavits for examination before the committee in person and cross-examination by persons interested themselves.

The CHAIRMAN. When they are in the record and the committee have a chance to see, to receive, and read them, we will all be better judges as to what we should do; and maybe the committee, on its own initiative, would want to take some action with reference to it. I think it were better to wait until we have a chance to see them in the record and read them with care before determining what else, if anything, should be done.

EDWARD B. LINNEN, recalled, testified.

Examined by Mr. BURCH:

Q. I ask you, Mr. Linnen, to state where, so far as you know, the tract books and other documentary evidence, exclusive of affidavits, is now, upon which you base your conclusions and report to the secretary?—A. The tract books and plats and other evidence were, at the time I made my investigation, on file in the office of the superintendent at the White Earth Agency, and I presume are still there. At that time they bore the evidence of changes, of which I made notations and sent up with the exhibits. Whether or not they would bear that evidence now, and whether or not those pencil notations have been erased at this time, I could not say. But at that time they bore that evidence as outlined by my report and by the exhibit which I have transmitted to the Secretary.

Q. Did you personally inspect them, or was this a matter that somebody reported to you?—A. I personally inspected them, in company with Mr. Warren K. Moorhead, who joined with me in that report.

Q. Will you state, as well as you can, to the committee now, what you saw on those books?—A. On the tract books, under the location for the various descriptions of the lands, in, I should say, as many as a hundred or more instances, there were pencil notations of the man's name opposite the description of the land, written in the book, in the tract book, which was subsequently written over, as I take it, in ink,

bearing evidence, to my mind, that those pencil notations had been made on the tract books, setting apart those particular lands for those particular people whose names were placed there in pencil, and subsequently placed there in ink. Also, certain erasures on the tract books, which bore evidence of changes in allotments—that a change had been made of an allotment which had been made to a certain Indian, an erasure made and he was placed on another allotment.

Mr. GEORGE. I would like to ask right here what a tract book is?

The WITNESS. A tract book is a record made up by the General Land Office of the United States to show the township and section, the township or range of various townships in which can be filed the name of the party, the description of the land, the section, township, and range of the various tracts of land for entries to be made of the names of various persons for the various tracts of land. These tract books were prepared, covering all of those lands on the White Earth Reservation, and the entries made on those tract books of the various descriptions wherein the various Indians were allotted these specific tracts.

Mr. GEORGE. I thank you very much.

Q. You used the term "bearing evidence in your mind" that this was done. Do you mean to say that this was done before the actual allotment began?—A. Everything so indicated to me; yes, sir.

Q. When you say "everything" be definite and particular as possible and state to the committee what the various indicia were that led you to that conclusion.—A. The tract books at that time bore the evidence that the ink writing was on top of the pencil writing—was done after the pencil writing. Likewise, the tracts of land which were thus penciled were the valuable pine tracts, in a majority of the instances, that were allotted to the better class of half-breed Indians. The ones wherein complaint had been made by the full bloods that they had been favored, and wherein it had been charged that certain allotments had been changed by certain individuals, the erasures on the tract books bore evidence that it was true. The particular and specific instances are all noted on this exhibit, which I made at that time and sent up to the department, showing each description.

Q. And the names of the parties —A. Yes, sir.

Q. That you assume—that is, that you believed to be?—A. Yes.

Q. That you reached the opinion were favored in that way?—A. Yes; those who had been favored and whose names had been penciled on the tract book, and erasures made on the tract book and they changed to other tracts of land.

Q. Approximately, how many of those descriptions and accompanying names have you in that list?—A. I would say from 125 to 150, and in some instances the entry takes a whole section of land. So that would mean eight 80-acre tracts.

Q. Did you at that time make any investigation relative to the estimates of pine made on the tracts embraced in this schedule?—A. I did.

Q. How did you find the estimates of pine or timber to be, valuable pine or timber?—A. Well, if you will pardon me, the only estimate I made—I did not make the estimate, but I found estimates which had been made by the timber cruisers for the Government which were then on file in the Indian office at White Earth, and I

took those up with the tract books and saw that they were the most valuable tracts.

Q. And the result of that correspondence, with the list that you gave, you have——A. Well, the examination of the various number of feet on the various tracts showed that these were, a majority of them, very good tracts of pine land.

Mr. BURCH. Now, I think, in connection with the report, we will offer this list, to be supported by the tract books when we are able to procure them for the committee.

The CHAIRMAN. This is what Mr. Linnen refererd to as an exhbit to the report?

Mr. BURCH. This is Exhibit A to the C section of your report?

The WITNESS. Yes, sir.

The CHAIRMAN. Exhibit A to the C section received.

Mr. BURCH. The joint report of Mr. Moorhead and Mr. Linnen.

The WITNESS. Yes; a joint report; yes, sir.

Q. In this schedule, marked "Exhibit A" to the joint report of Mr. Moorhead and yourself, I read a "List showing erasures of pencil notations and changes made on the tract books, presumably prior to the allotment at the White Earth Agency." Under the heading "Erasures" I find, for instance, entered on tract book "in pencil, township 141, range 37," and then numbers under the head of "section." I find several Indian names here. What did they indicate, what did the Indian—in the first column, a number of Indian names?—A. The first column, or halfway down the first column, practically, under the heading of "Erasures," are a number of entries of various Indians on various tracts of land in various sections in that particular township 141, range 137. Under the heading of "Erasures," my memory now is that these are changes which had been made, the original names erased, and these names placed in lieu thereof.

Q. What does the first column consist of?—A. The names of various Indians.

The CHAIRMAN. That is the name that was written in subsequently, as you think?

The WITNESS. Yes, sir.

The CHAIRMAN. Were you able in any case to decipher the name originally written in, or could you say that the pen writing followed the pencil writing which preceded it?

The WITNESS. I can not recall now, Mr. Chairman, as to that. I believe it is extremely doubtful if the original name could be deciphered. The evidences of the other name having been erased was there, and these names placed over it.

Q. That is, the Indians who are supposed to have been allotted the tracts which follow in the second column and in the third column?—A. Yes.

Q. What is in the second column opposite the names of the Indians?—A. The second column is the description of various tracts of land.

Q. And what is written in the third column?—A. A description of each section which is allotted in that township.

The CHAIRMAN. How did you determine that the names written in ink indicated a change, a switching of the allotment? Why might it not have been that the original was written in pencil temporarily

and that the pen-and-ink writing later was but a ratification of the earlier pencil writing? That is the point I want to get at.

The WITNESS. There is a distinction, as I take it, between the two classes of entries, the erasures, and those written in pencil and subsequently written over the pencil writing in ink. There are two distinct classes, one being the erasure on the book, possibly of a pencil notation or of an ink notation written thereafter in writing, and the other the writing over the pencil notation.

The CHAIRMAN. That second class you have not come to yet?

The WITNESS. No, sir; I have not come to that.

Mr. GEORGE. What evidence is there of the erasures?

The WITNESS. It is easily discernible to anybody's eye, and to any land man familiar with land matters in a Government land office, or the Indian Office, frequent scratching, or any scratching of entries made in a tract book, is a very suspicious circumstance, which we examine into very carefully.

Q. Now, to the next. How many of those in the townships—or how many were there?—A. Six there.

Q. Now, in the next line, what was that?—A. The next list is under the head of "pencil," my recollection being that these are the entries made in that particular township, 141, range 38, which had originally been written in lead pencil on the tract books, and thereafter the names written in ink over the lead-pencil writing.

Q. What is indicated by the first column of that, the names of the various Indian allottees?—A. The second column describes the tracts of land allotted them, and the third column the section in the township and range in which the lands are situated, and that follows in the list of erasures under the heading of erasures and under the head of "pencil," all the way through this list in the various townships and range.

Q. These are tract books kept in the office of the superintendent and receiver of the land office at White Earth?—A. Superintendent of the Indian office at White Earth.

Q. Would similar tract books be kept in the United States land office by the register and receiver?—A. Very similar tract books; yes, sir.

Q. Are duplicates of those tract books kept in the General Land Office or the local land office, and in the Indian Bureau at Washington for the Indian reservations?—A. They are; yes, sir. Duplicate tract books and all public-land matters are in the General Land Office at Washington or in the office of Indian Affairs in Washington for the Indian lands.

Q. Did you ever examine the tract books or supposedly duplicate tract books in the Indian Office at Washington to see what condition they were in?—A. No, sir; I did not, because I recognized the fact that it would do absolutely no good, the fact being that when the allotments were reported to the Indian Office at Washington, the allotments that had been finally made were the ones that were reported and would be the ones noted on their tract books.

Q. If the duplicate tract books containing these lands in the Indian Bureau at Washington contained only these names opposite these descriptions that you mentioned as having found up there on the White Earth tract books, would it not indicate to you that only

the names finally written over had been reported in Washington and there put upon the tract book?—A. It certainly would.

Q. If you found indications in the tract books at Washington of a corresponding character to this at White Earth, with pencil marks or pen marks erased and others written over, it would then indicate that there might have been two reports sent in, the former erased and the later written over?—A. Well, as to that I would answer that there are isolated cases where changes in allotments are made after the allotment has been originally selected and reported to Washington and entered on their tract books, as well as on the Indian reservation, for the same reason, good and substantial reason, that a change of the allotment for an Indian may be made; but it is done under specific authority and the tract book in Washington would, in that case, be changed from one description to another for this particular Indian; but I can not imagine any means whereby there would be any pencil notations on the tract books in Washington, because they would make the entries after the descriptions had been sent them by the different agents to correspond with his tract books.

Q. And would such a condition of duplication in the books at Washington, if found there, be accompanied by correspondence between the Indian superintendent at White Earth and the Indian Bureau at Washington?—A. It certainly would.

Q. Explaining it, explaining the change?—A. Yes, sir.

The CHAIRMAN. Are you prepared to say whether there is such correspondence?

The WITNESS. I presume there is, in isolated cases, where changes in allotments have been made.

The CHAIRMAN. And in those cases to which you refer in your report, are you able to say whether or not there is any such correspondence there?

A. No; I am not, because I have never looked it up. Still, I should feel absolutely certain, or almost positively certain, that there is not, at lease for a very large majority.

Q. My purpose is in this respect, later, when the subcommittee may sit in Washington, to produce those duplicate tract books there for the committee's inspection, when it is more convenient, and thus test that matter thoroughly. That is why I have laid the foundation for so doing.

The CHAIRMAN. Proceed.

Q. The affidavits which you speak of, Mr. Linnen, have you them with you?—A. Yes, sir; in my report, or the joint report of Mr. Moorhead and myself, I referred to four affidavits with relation to the allotting, which were the affidavits of John J. Lynch, Robert J. Henry, John St. Luke, and Charles Moulton. There were other affidavits referred to in that section C of that report, but they do not bear directly on the allotting, but certain paragraphs of these affidavits do. Now, is it your wish that I read the whole of the affidavits or just that part which has to do with the allotting?

The CHAIRMAN. Are they other matters pertaining to White Earth?

The WITNESS. They are; yes, sir.

The CHAIRMAN. You may read the whole of the first one, until we see.

The witness then read the statement of John J. Lynch contained in his report referred to. And also read the affidavits of Robert J. Henry, John St. Luke, and Charles Moulton.

Mr. BURCH (during the reading). Confine your statements, so far as you can, to the time previous to the allotment. Glance them over a little in advance and confine yourself to matters prior to the allotment.

The WITNESS. Those are the four affidavits referred to in my report.

Mr. BURCH. Are there other affidavits in the report to the same purport as to what occurred previous to the allotment?

The WITNESS. I am not sure, but I judge there are references made in probably a number of cases, in the large number of affidavits—some 500 or more that we have.

The CHAIRMAN. What is the date of Mr. Lynch's affidavit, Mr. Linnen?

The WITNESS. Sworn to September 24, 1909.

Mr. BURCH. Now, we have some witnesses to that additional allotment matter right here. I see one man is here who made one of those affidavits, Mr. Lynch. I would have him sworn immediately, but I think it would be better to have all the witnesses at the same time relating to the same matter. And so, unless the committee desire it otherwise, we will delay taking any until we can get all that we care to.

The CHAIRMAN. Are you through, for the present, with Mr. Linnen?

Mr. BURCH. I think we are. We want to confine ourselves as far as possible to one subject. I think we are through with him on that point.

The CHAIRMAN. Mr. Beaulieu, do you desire to ask any questions of Mr. Linnen?

Mr. BEAULIEU. Judge Burch informs me that he has every expectation of recalling Mr. Linnen from time to time and putting in his entire testimony touching all the things on the reservation. So I would like to reserve my cross-examination until that examination is completed. When I take up the cross-examination of Mr. Linnen, I would rather make one job of it.

The CHAIRMAN. Any others who are interested in this matter, represented here, who desire to ask Mr. Linnen any questions now?

Mr. BEAULIEU. Will Mr. Linnen be in attendance at all times hereafter? I would like to cross-examine him later.

The CHAIRMAN. Oh, yes; Mr. Linnen is subject to recall. You will have ample opportunity

Mr. CARL. I would like to make a short statement.

The CHAIRMAN. Mr. Carl has permission to make a statement.

Mr. CARL. On the 13th of January, 1912, there was a general council called, which assembled in the city of Mahnomen, the county seat of Mahnomen County, within the White Earth Reservation.

The CHAIRMAN. Just a moment, Mr. Carl. In what capacity are you before the committee?

Mr. CARL. That is what I want to explain. I want to say that in this statement that I make. I have been appointed as one of the representatives of the Chippewa Indians of White Earth, Minn.

The CHAIRMAN. What is the nature of your authority? Is it in writing, or merely verbal?

Mr. CARL. Well, it is written; of course we haven't it here, because we sent it to the council proceedings at White Earth.

The CHAIRMAN. You will have it later?

Mr. CARL. We will have it later.

The CHAIRMAN. Very well; go on.

Mr. CARL. Among other proceedings of the council, there were a number of White Earth Indians delegated to represent the Chippewa Indians belonging upon the White Earth Reservation before this committee. It was supposed, at first, the committee was to be called to sit at Washington for these hearings, and in the proceedings it states that these men appointed should go to Washington; but, as they are not to be called to Washington, we appear before this committee wherever they may hold their hearings. I make this statement on account of what took place here yesterday afternoon—a man refusing to answer just because there was personal feeling against the interrogator.

The CHAIRMAN. I think I would rather you would not refer to that. We want to avoid personalities as much as we can.

Mr. CARL. Well, these questions were to lead to something that had reference to some money that had been expended, which we believe is part of the money that has been taken unjustly from the White Earth Indians.

The CHAIRMAN. Let me make a suggestion, I think in your interest. Of course, you are quite familiar with No. 7 of the White Earth hearings. As Judge Burch has stated a number of times in your hearing, he prepared that at my suggestion. It is a very intelligent statement; takes matters up under topical headings and outlines and grounds that he proposes to cover by evidence later. I have also suggested, both in writing and verbally, to Mr. Gus Beaulieu, that he do the same think—prepare a statement in writing—because I am sure it will be better made than any statement you could make orally; that he prepare it with care, and that at the proper time it should be filed as sort of an outline covering the ground which you propose to go over with your evidence. Now, as I understand you from conversation outside, you, Mr. Beaulieu, and one other, I think, claim to represent the White Earth Indians before the committee. Am I right?

Mr. CARL. Well, there was more than one other Indian.

The CHAIRMAN. However that may be, no matter how many there were, you can readily see that there should be one statement filed on their behalf. Would it not be better for you and for them that you men prepare carefully a statement which will set out succinctly and clearly, just as is done in No. 7 by Judge Burch, or better than that, if you can do it better, and have it printed in the record? I feel reasonably sure that if you make a statement now with little apparent preparation, a mere verbal statement, it will not be the kind of statement you would want after you have seen it; and in the interest of brevity and thoroughness, and in your interest, do you not agree with me when I say that I think it were better for you to make that statement in writing, and make it carefully?

Mr. CARL. Yes; I think a statement in writing would be much better than a verbal one; but I simply wanted to make my position

known to the committee; that is why I wanted to make this statement.

The CHAIRMAN. I don't think the committee ought to stop now. You will have your opportunity, Mr. Carl, all right. By the way, are you an attorney?

Mr. CARL. No; I am not.

The CHAIRMAN. Well, we will not raise that question, but we will ask you to give us some formal commission from the people there showing that you and your associates represent them. I think one statement from all of you is as much as we should have.

Mr. BURCH. Mr. Chairman, at this time I desire to state that I have not a particle of objection to any person whose name is brought out in connection with this investigation coming in here, or going before the committee at any place, to any extent that the committee are willing to permit.

The CHAIRMAN. Well, the committee has objections. The committee will limit those who represent the different interests to a reasonable number.

Mr. BURCH. That just brings me to where and why I am speaking. In some form I wish to challenge the right of either Mr. Beaulieu or Mr. Carl, or any of the persons they name, to represent the White Earth Indians in council, denying that they have any right to speak for any such organization as the tribe of White Earth Indians absolutely at all.

The CHAIRMAN. Mr. Carl has stated in your hearing that he will produce authority in writing purporting to give him and his associates such a commission. The committee is bound to accept his word as being true and right until something to the contrary appears. And further, Mr. Burch, the committee, I am sure, would be of the opinion that any parties representing the Indians from the White Earth Reservation would have a right—or one of them at least—to act as the spokesman for them in the production of the evidence here. I would go further than that myself, although I would not say that the committee would go that far—that even if it should turn out that they were not the legally constituted representatives of the Indians on the reservation, but were representatives of a considerable faction, the committee would still be disposed to give them their innings. This committee is absolutely for a square deal.

Mr. BURCH. The point I desire to make clear to the chairman is this—but it is covered by what the chairman last stated—namely, that if any considerable portion of the White Earth Indians had a representation here, that covers the whole ground. In other words, I fancy there will be perhaps one, perhaps more different bands or organizations or informal crowds of the White Earth Indians who may desire to be represented at these hearings; and I should hate to have any of them cut off by the representations of only a portion, and an equally informal portion at that.

The CHAIRMAN. Well, it would be very proper and almost necessary for the committee to know with tolerable accuracy just what proportion of the Indians there any committee did represent, if there is some way we can determine it, and when this written authority is produced, we can probably from it determine something about the facts.

Mr. BURCH. We want it seriously understood that we object to nobody that the committee wants to hear; but we would object to persons claiming to represent the whole body of several thousand Indians, when, perhaps, they represent only a very small clique.

The CHAIRMAN. We can not lay down any hard and fast rules; but, as the questions arise, the committee will try very hard to do what is fair at all times.

Mr. BURCH. That is what we hope and believe.

Mr. O'BRIEN. As stated by Judge Burch, there is a slight gap in our story, owing to the absence of certain witnesses; but we expect, of course, to connect up fully when those witnesses appear, which we hope will be the first thing in the morning.

The CHAIRMAN. I am sorry to hear that, but their absence now is not in any way attributable to you and can only be charged up to the Minnesota weather.

The committee here took a short recess—five minutes.

Mr. O'BRIEN. This morning, Mr. Chairman, we offered in evidence certain photographic copies of records of the Interior Department. I have further photographic copies to offer of similar records, and I have brought with me the original records for the inspection of the committee, and will read and offer the photographic copies. We want to have the records show that we presented the original records of the Department of the Interior for the inspection of the committee, and substituted photographic copies.

Mr. GRAHAM. Well, the scheme and theory that we will go upon is that you are using the originals and reading from them, and then you can get leave to substitute in the record copies and keep the originals, so that the originals being before us we are dealing with them now.

Mr. O'BRIEN. Yes.

Papers marked for identification "Burch's Exhibit No. 29."

BURCH'S EXHIBIT NO. 29.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 6, 1905.

SIMON MICHELET, Esq.,
United States Indian Agent,
THOMAS DOWNS, Esq.,
Special United States Indian Agent,
White Earth, Minn.

GENTLEMEN: In view of complaints that have been made direct to this office by certain of the Indians, and of the facts as disclosed by Special Agent Downs's report of June 13, it is proposed to abrogate and annul the allotments that have recently been made under the Steenerson Act. Said allotments are therefore hereby annulled.

It is excedingly desirable that the allotments under said act shall be made in a manner satisfactory to the Indians, especially to the full bloods and those of the mixed bloods who are least able to look after their own affairs.

Supervisor Sam B. Davis has this date been instructed to make a rough estimate of the pine and hardwood timber growing upon each 40-acre tract of the tribal lands, and where there is an unusual amount of valuable pine timber on any tract to make the estimate by 20-acre tracts, and to submit a copy of the schedule to you for your use in reallotting the lands under the Steenerson Act. If you or either of you can be of any assistance to him in making these estimates, you are directed to do so.

The allotments under said act should be made in a fair and impartial manner to all the Indians, treating all classes alike so far as the same can be done in the actual work of dividing the lands. There may be some inequalities because of the varying values of the different tracts; but these inequalities should be reduced to the smallest practicable number consistent with the fact that each Indian is entitled to 80 acres of land in case there are sufficient lands to make allotments of this quantity to all the Indians.

If the quantity of "timber lands," as shown by the schedule which is to be prepared by Supervisor Davis, equals or nearly equals the agricultural lands, you are instructed to allot each Indian 40 acres of agricultural lands and 40 acres of timber lands; but should the quantity of timber lands not permit this, then you must allot some of the Indians 20-acre tracts; and where the tracts are especially valuable, because of the quantity of pine timber, you should always allot such lands in 20-acre tracts.

There may be a number of cases where the Indians prefer the strictly agricultural lands. If there are such, their preferences should be respected. This would reduce the number of applicants for allotments of pine lands. The purpose is to make these allotments in a fair and impartial manner and to the satisfaction of the greatest number of the Indians, and if necessary to accomplish this end slight deviations may be made from the strict wording of these instructions. And in case you require further instructions on any matters, the same should be submitted for this purpose.

The allotments will be made by Agent Michelet, with Special Agent Downs helping and cooperating in every practicable way, subject to these and such supplemental instructions as may be given.

So immediately upon receipt of these instructions you will take up anew the work of making the allotments under the "Steenerson Act" subject to the suggestions herein contained. Please acknowledge receipt of this letter.

Very respectfully,

C. F. LARRABEE, *Acting Commissioner.*

Mr. O'BRIEN. The first is a letter signed by C. F. Larrabee, Acting Commissioner of Indian Affairs, addressed jointly to Simon Michelet, special United States Indian agent, and Thomas Downs, esq., United States Indian agent, dated July 6, 1905.

Mr. O'Brien here read Exhibit 29 to the committee.

Mr. GRAHAM (referring to the original of Exhibit 29). I suppose this notation is on your photographic copy also?

Mr. O'BRIEN. Yes, sir; every mark.

Mr. GRAHAM. And the initials?

Mr. O'BRIEN. Yes; every mark.

Mr. GRAHAM. And the indorsements on the back of it; where do they appear?

Mr. O'BRIEN. The indorsements do appear there, Mr. Chairman. Every mark upon the face.

Mr. GRAHAM. Well, I don't myself understand these indorsements stamped on the back of it. If any gentleman here wishes to look at the accuracy of the copy, which is a photographic copy made, he may do so, and confirm them. I have followed the reading and it is accurate. The photographed copy will be admitted of record and you can retain the original.

Mr. O'BRIEN. The next document I wish to read and offer in evidence is the report of Thomas Downs, special United States Indian agent, made to Commissioner of Indian Affairs, dated June 13, 1905.

Mr. O'Brien here read Burch's Exhibit No. 30 to the committee.

BURCH'S EXHIBIT No. 30.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE.
White Earth Agency, Minn., June 13, 1905.

The honorable the COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to state that in compliance with office telegrams dated Washington, D. C., June 1 and 3, 1905, respectively, I visited the White Earth Indian Reservation, and made the investigation required, and submit the following report relative thereto; the following inclosures are made a part of this report:

Exhibit A. Sworn statement of old Mississippi Chippewa Chief May-zhuck-ke-ge-shig.
Exhibit B. Sworn statement of Peen-de-gay-ge-shig, Chippewa Chief.
Exhibit C. Sworn statement of Wadena, Chippewa Chief.
Exhibit D. Sworn statement of Nah-she-ka-we-gah-bow, a full-blood Indian.
Exhibit E. Sworn statement of Mah-je-ge-shig, Chippewa Chief.
Exhibit F. Council proceedings.

In the statement of old Mississippi Chief May-zhuck-ke-ge-shig, referred to in your message of June 1st as complaining bitterly, he makes no complaint about the manner of making allotments, but he does complain that the Indians charge him with being in collusion with the agent in procuring the best allotments for the mixed-blood Indians; he also complains that he is charged with having received a bribe of $50.00 from the agent to remain away during the allotment.

Exhibit "B" is a statement made by Peen-de-gay-ge-shig, a full-blood Chippewa Indian. He states in his complaint that notices of the time for making the allotment was posted in many places on the reservation. Said notices stated that the allotment would begin on the 24th day of April, 1905; that on Sunday, the 23rd day of April, he came to the agency office for the purpose of being ready to file his claim for an allotment; that upon his arrival he was surprised to see a large number of mixed-blood Indians lined up in front of the agency office; that the agent told him, upon inquiry, that he did not know why they were in line; that he learned afterwards that they were given numbers entitling them to their places in the line, and were told that they would be allotted on these numbers; that he immediately called a council of the full bloods who were unquestionably entitled to allotments; that at the council he was appointed to see the agent, to ascertain how the allotting was to be done; that he got no satisfaction from the agent, who simply stated that he had his instructions and would proceed to allot the land in accordance therewith; that the Indians wanted the agent to telegraph the commissioner and ask that some one be sent to explain to them how the allotting was to be done; that the agent refused to do this, but advised the full-blood Indians to appoint a committee to witness the allotting and protest when they found anyone trying to secure an allotment who they thought was not entitled; that this plan was adopted as a last expedient, after he had told the Indians that the agent refused to telegraph to the commissioner. He states that after the full bloods seen the situation and found that they could get no help from the agent, some kind of arrangement was made by which it was agreed that a full-blood and a mixed-blood Indian should be allotted alternately, but that each full-blood Indian should have the right to select the mixed blood who should be allotted with him. He states that this would have been satisfactory, but that it was not carried out, as the mixed bloods were given the best show. He states that when the lines were formed and they were ready to begin allotting the agent went out and got the old chief, May-zhuck-ke-ge-shig and gave a little girl to him, and they passed in and were the first to be allotted; the little girl was Margaret Lynch, a daughter of a white man, and not entitled to an allotment under the law; that she received the best and most valuable allotment on the reservation. After this the agent got another full-blood Indian, who came in with Mrs. Lynch, the mother of Margaret Lynch. This plan worked all right for a while, after which only mixed-blood Indians came in. He states that the committee raised objection to the allotting to Margaret Lynch and her mother and quite a large number of others, but that the agent paid no attention to their objections, but continued to make allotments. He states that a very few full bloods had minutes of the land they wanted, and some of them have not yet received their allotments.

The statement marked "Exhibit C" is made by Wadena, a full-blood Chippewa chief. He says that the full-blood Indians are not satisfied with the way the allotments were made; that the full-blood Indians understood that they were to be given first choice and that this was not done.

The statement marked "Exhibit D" is made by Nah-she-ka-we-gah-bow, a full-blood Indian; he states that he was present during the allotment and that only mixed bloods were in line at first; after the Indians had held a council, the full bloods and mixed bloods were allotted alternately; there was only one allotment that was not satisfactory to him; that was the white child who came in with the old Chief May-zhuck-ke-ge-shig, whom it was claimed was not entitled to an allotment; he states that due and sufficient notice was given of the time the land was to be allotted.

The statement marked "Exhibit E" was made by Chief Mah-je-ge-shig, a full-blood Chippewa Indian; he states that he is personally acquainted with Margaret Lynch, who was recently allotted a tract of land on the White Earth Reservation, and that she has no Indian blood, hence is not entitled to an allotment; he further states that he is opposed to the allotting of timber lands, for the reason that during the allotting the mixed bloods (nearly white) secured the best allotments.

A careful inspection of the council proceedings, marked "Exhibit F," together with the sworn statements above referred to, show that the full-blood Indians were and still are very much dissatisfied with the manner in which the allotments were and are still being made. That there is some reason for their dissatisfaction there seems to be no doubt. A copy of the notices posted up giving notice of this allotment is enclosed herewith and marked "Exhibit G." It will be seen from this notice that the allotment was to begin on the 24th day of April, 1905.

It appears from all of the statements and proceedings of the council that when the full-blood Indians arrived at the agency on the morning when the allotting was to begin, according to said notices, they found a large number of mixed bloods in line waiting the time to commence the filing of their applications; and notwithstanding the agent said they were there without his consent or approval, yet he did not disperse them; the only satisfaction he gave the full bloods was for them to select a committee to witness the allotting and file protests against those whom they thought were not entitled; after considering this they made some kind of an agreement by which a full blood and a mixed blood was to be admitted alternately, the full blood to have the right to select the mixed blood who was to go in with him; this agreement was violated after a while and none but mixed bloods presented themselves.

It appears the first ones who presented themselves for allotment was the old chief, May-zhuck-ke-ge-shig, and Margaret Lynch. The Indians say that the old chief had selected some one else, but that the agent pushed the one he had selected aside and gave the little girl Margaret Lynch to him. Mrs. Lynch, the mother of Margaret, came in with the second full-blood; both Mrs. Lynch and Margaret were objected to.

The allotment list shows that 1,628 allotments have already been made: of these 506 are full-bloods and 1,122 are mixed bloods; 418 of the full-bloods have been allotted in what is known as the pine district and 88 on agricultural lands; 518 mixed bloods in the pine district and 604 on agricultural lands. As there has been no estimate made of the timber, I am unable to determine who of those who have been allotted have got the best of it. It is well known that the full-blood Indian is slow to make up his mind; in this case they took it for granted that if they were at the agency at the time the notice stated the allotting would begin no one would be allowed to obtain any advantage over them. To their surprise, when they reached the agency they found a large number of mixed bloods, many of them strangers, all ready in line waiting to be admitted to the office.

These allotments mean much to these poor Indians, as it is the last opportunity they will have to be allotted land on this reservation. It seems to me an effort should have been made to disperse the mixed bloods; failing in this, the allotment should have been postponed to some future date, and a council called to arrange some satisfactory plan. I have called on the agent for a statement of the manner he conducted this allotment and will make said statement a part of this report. I am not criticizing the actions of the agent, nor do I wish to do so; as from what I have seen of him, I believe him to be thoroughly honest and capable; a little too nervous, perhaps, but absolutely fearless in the

discharge of his duties, and that he has endeavored to make this allotment impartially; but I do think that the mixed bloods got the best of the lands, especially in the timber district and with their knowledge of the situation, took an unfair advantage of the full bloods. As I understand from their statements and from their talks at the council, very few of the full bloods had minutes of the land they wanted; not so with the mixed bloods as they were prepared with minutes of all the best lands; the list of allotments made up to this time shows that the full-blood Indians have received quite a large number of timber tracts; it is not apparent that these tracts are of any value, as the agent selected lands for many full bloods who had no minutes and as there has never been an estimate made of the timber, he had no way of knowing whether they were good or bad selections. The mixed bloods, however, with their minutes were able to make the best selections.

Another thing complained of was the giving out of numbers to mixed bloods who were in line on Sunday. Although this was done without the knowledge or consent of the agent and ignored by him, yet it was deceiving to the full bloods, as they understood it gave the holder precedence in the allotting. These numbers were given out by the captain of the Indian police for the purpose, as he says, of maintaining order. This captain is the brother of Mrs. Lynch, the mother of Margaret, who, it is said, received the most valuable allotment on the reservation and of whom most complaint was made.

Most of the full bloods are poor men, who are struggling to make a living for themselves and their families. They are unfamiliar with the white man's way of taking advantage of situations and, being naturally slow in their actions, hence were totally unprepared to assert and obtain their rights at the time the allotments were being made.

In view of these facts and the bad feeling which exists among the full-blood Indians, and in the interests of fair play, I have the honor to respectfully recommend that the agent be instructed to declare all allotments made under the Steenerson Act on the White Earth Reservation null and void, and that he have estimates of the timber made on each 40-acre tract, and that these estimates be kept on file in the agency office so that all of those who are entitled to participate in this allotment may have access to them; that he convene a council of the Indians for the purpose of selecting a committee of five persons to assist in the allotting of this land, two members of this committee to be full-blood Indians who are entitled to participate in this allotment and two members to be mixed bloods who are also entitled to participate in this allotment, the agent to be the other member; that as soon as the timber estimates have been made and filed in the office, the agent have printed notices posted in conspicuous places over the reservation and also send word out to the various bands of Indians that on a certain day the books will be opened for the allotment of land; that a full-blood and a mixed blood be alloted alternately, so far as it can be done. In this way, it seems to me, the rights of the full bloods will be protected, and no harm will be done to the mixed bloods. If this plan is followed, the agent, having these timber estimates before him, will be able to give anyone who may want a timber tract and has no minutes as good a tract as is left vacant at the time.

No effort has been made to ascertain the eligibility of those who have been complained of by the full-blood Indians and whose names they request be stricken from the rolls of this agency. The agent tells me that they were all recognized and enrolled by the late Chippewa Commission and have been receiving their annuities from time to time, and have their original allotments without protest, hence it seems their rights have been fully recognized by the department.

Referring to the rumor in connection with Dr. Smith and one of the teachers in charge of one of the boarding schools of this reservation, after quietly investigating the matter, I find there is nothing sufficiently tangible to warrant an open investigation. The agent has promised to call the doctor before him and require him to be more careful in his future conduct. I trust that it will have the desired effect and that your office will not be further annoyed in the matter.

Trusting this report will be satisfactory, I am,

Very respectfully,

THOMAS DOWNS,
United States Special Agent.

NOTICE.

Notice is hereby given that the undersigned will begin to made additional allotments to White Earth Indians, entitled thereto under the Steenerson Act, on Monday, April 24, 1905.

SIMON MICHELET,
United States Indian Agent.

Dated at—
WHITE EARTH, *March 18, 1905.*

Mr. GRAHAM. Do any of you wish to compare the original and photographic copy? [No response.] The photographic copy is admitted.

Mr. O'BRIEN. I now desire to call the committee's attention to a letter written by Senator Moses E. Clapp to the gentleman whom he addresses as "Dear Richards," dated St. Paul, July 24, 1905, which reads as follows:

"Wish you would file the inclosed papers from Fairbanks and others and also from Bunga.

"Yours, "MOSES E. CLAPP.

"P. S.—Cousin Jim promised to build the house for Bunga as stated."

Mr. GRAHAM (addressing the reporter). You might note in your record that opposite the postscript is a capital "F" in red pencil on the original, which shows white in the photographic copy.

Mr. O'BRIEN. Here is the inclosure referred to: Letter signed B. L. Fairbanks and Gus H. Beaulieu, dated White Earth, Minn., August 12, 1905, addressed to the honorable Commissioner of Indian Affairs, Washington, D. C.

BURCH'S EXHIBIT No. 31.

UNITED STATES SENATE,

COMMITTEE TO EXAMINE THE SEVERAL BRANCHES OF THE CIVIL SERVICE.

ST. PAUL, *July 24, 1905.*

DEAR RICHARDS: Wish you would file the inclosed papers from Fairbanks and others and also from Bunga.

Yours, MOSES E. CLAPP.

Cousin Jim promised to build the house for Bunga as stated.

WHITE EARTH, MINN., *August 12, 1905.*

Honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: The undersigned delegates, agents, and attorneys in fact, appointed by a council of the White Earth Band of Mississippi Chippewa Indians held at White Earth, Minnesota, on the 20th day of July, 1905, a report of which is herewith submitted, respectfully represent that in compliance with the wishes of said Indians we started for Saint Paul on Friday, August 4th last, with the view of consulting with the chairman of the Senate Indian Committee, Hon. M. E. Clapp, in relation to the subject of the council report and petition herewith inclosed, and of proceeding from there to the city of Washington, D. C., to lay the whole matter before you, as we were instructed to do by the council.

At Saint Paul we learned that you were at Standing Rock Agency, North Dakota, en route to this reservation, so we immediately returned here.

Since our return we have learned that you had proceeded direct to Washington from Standing Rock, and therefore you would not come here.

In view of this, we decided to submit the wishes of the Indians by reference to the said council report and petition, together with the following statement:

On or about March 20, 1905, a great many notices signed by Simon Michelet, United States Indian agent here, were posted in all the stores and public

buildings of this reservation, setting forth that the allotting of lands under the "Steenerson Act" would be commenced on April 24, 1905.

On April 23rd, the day prior to the date set for the commencement of the allotting of lands, a line composed very largely of nonresident mixed bloods, was formed in front of the agency office with the view to following precedents established by land offices whenever public lands are opened to settlement, as they believed this rule to be the recognized method when unusual efforts were being made to secure choice tracts.

To this line the full bloods strongly objected, because many persons who formed it were not recognized by the former as having treaty rights.

The mixed bloods kept in line, however, and a compromise was effected whereby another line, exclusively of full bloods, was formed opposite that of the mixed bloods, and the allotting of land was then commenced.

The first person who received an allotment in the full-blood line was Me-sha-ke-ge-shig, the principal chief of the White Earth bands, and the first allotment of the mixed-blood line was given to a little girl, Margaret Lynch, whose rights are denied by the band, and in this manner allotments were given to a full blood and a mixed blood alternately all along the lines, so that one class did not get the advantage over the other.

The fact that the little girl referred to and all the members of her family, whose rights as Chippewa Indians were questioned, were at the head of the mixed-blood line, was the primary and principal cause of all the dissatisfaction which now exists among the small faction of Gull Lake removal Indians.

The full bloods who did not receive good allotments are responsible for being unable to get the best lands, since they ignored the advice of the officials of the Government and the educated mixed bloods to go and examine the lands of the reservation generally in order that they might secure good tracts as allotments and simply contented themselves with finding fault against those who did go into the field. Not a single full blood who went into the field failed to secure a good allotment of land.

An investigation would undoubtedly show that a few of the mixed bloods got better than average claims, and these they secured at considerable expense, in which the full bloods profited, for, without exception, the former got more discriptions and estimate on pine timber than they could use, and in every single instance they furnished the remaining descriptions to such of the full bloods as were unable to go and examine lands. On the other hand, such investigation would show that the very best claims were secured by some of the full bloods, the Mille Lac head chief, Wah-we-yea-cum-ig, undoubtedly having secured the best pine timber allotment on the reservation; Me-sha-ke-ge-shig, Ish-quay-geh-bow, Nay-tow-aush, Mah-ing-ance, Shay-day, and Oshing-aun-ah quod and many other leading members of the band alomst as good.

It can also be shown that Theodore B. Beaulieu, the Government farmer here, who has had a large experience in examining pine-timber lands, was in the woods for over a month from the date of the passage of the Steenerson Act to the date of the commencement of the allotments under it, and, with several assistants, got the descriptions and estimates of a large number of tracts of pine lands, which he gave to the full-bloods almost exclusively, at Agent Mitchelet's request, and principally to the older men and women of the bands. When it is taken into consideration that eighty per cent of the full-bloods to thirty-eight per cent of the mixed-bloods got timber claims, the latter could not have got any advantage over the former in the selection of this class of land.

Under the allotments made under the "Nelson Act" the full-bloods secured the pine timber on nearly four townships of land, while not to exceed half a dozen mixed-bloods got pine-timber allotments under the provisions of that act.

With eighty per cent of the full-bloods have good timber allotments on this reservation, the large majority which we represent are anxious to have the question whether there should be a reallotment or not submitted to them, to be decided by the vote of the majority.

When the protest of the full-bloods was first made it was undoubtedly with the intention of only challenging certain mixed-blood Indians, whose rights as members of the Mississippi bands or who had not removed here and taken up their residence on this reservation, and who, after their applications had been accepted by the agent, immediately returned to their respective homes outside the reservation, to allotment rights. But in the discussions relative to this subject, the full-bloods have been lead to believe by Benjamin Caswell, superintendent of the Cass Lake boarding school, and Pin-dig-ay-go-shig, both full-

bloods, that if a reallotment takes place it is the intention of the Government to give the full-bloods the preference, and thus an amicable settlement in the matter has been delayed.

When it is taken into consideration that Mr. Caswell took advantage of the ignorance of a full blood by buying his position in the full blood line for only five dollars and thus got near the head of it, to the great disadvantage of the latter, his advice to them can not be deemed as being wholly unselfish, or with the view to protecting his ignorant brethren.

We believe that it now requires only an explanation by some official of the Government against whom the Indians are not prejudiced that there can be no discrimination made in favor of the full bloods as against the mixed bloods if a reallotment should take place, to have the effect of causing practical unanimity against any plan of reallotment and a desire that the allotments made by Agent Michelet be permitted to stand.

With regard to the legal phase of the questions which surround the order canceling the allotments made by Agent Michelet under the Steenerson Act, we contend that inasmuch as the rules under which the allotments were made and the laws governing the selection of allotments by Indians have been observed strictly, the Government has not the authority to cancel the same unless fraud or unjust discrimination can be shown, and in no event could the innocent allottees be made suffer for the acts of others who may have been concerned in fraudulent transactions in connection with their respective allotments.

We feel confident, however, that your aim is to get at the truth of this matter, and have no desire to compel members of this reservation to incur large expense to maintain their contentions in the courts.

Therefore we respectfully submit this statement to you, trusting in your desire to do that which is the wish of a large majority of the Indians interested.

Very respectfully, yours,

B. L. FAIRBANKS.
GUS H. BEAULIEU.

Mr. GRAHAM. Mr. O'Brien, can you enlighten me on this point? Was the timber land surveyed and staked off in any way so that a person having the right to choose an allotment could go out and locate the ground he wanted and have a description of it? In other words, could he identify it?

Mr. O'BRIEN. Well, I understand, of course, that the Government surveys had been run over the entire reservation, both as to pine lands and agricultural lands, but I don't know that the Government had any estimates of the pine on the diminished reservation. The only estimates that had been made seem to have been made by the lumber companies who were looking forward to a purchase of the pine, or their agents.

Mr. GRAHAM. But the allottee to be had the right to choose 80 acres. That 80 acres was located in a township of pine timber. How could he go out, pick out the 80 acres he wanted, then go back to the reservation, and identify the 80 acres he had picked, by a description?

Mr. O'BRIEN. Well, the only way he would be able to do that would be this: He would have to hire an experienced timber cruiser who understood Government monuments, and consequently could tell when he was on a certain tract, and also understand estimating pine, and could also tell how much pine and the character on a certain tract. That, of course, would cost considerable money. Then, of course, he had to make several such selections, if he made any, because of the possibility of one or more of the tracts which he had been over being taken by somebody else.

Mr. GRAHAM. His first shot might miss?

Mr. O'BRIEN. Yes.

Mr. O'BRIEN. I next desire to call the committee's attention to a letter on the stationery of the United States Senate, addressed to

Hon. C. F. Larrabee, Acting Commissioner of Indian Affairs, signed Moses E. Clapp, dated July 27, 1905. Then follow the inclosures, Mr. O'Brien reading:

"WHITE EARTH, MINN., *July 15, 1905.*

"Hon. M. E. CLAPP,
"*United States Senator, Washington, D. C.*

"DEAR SIR: Inclosed herewith we respectfully submit a protest from the resident members of the Mississippi bands on this reservation, which we ask you to file with the commissioner. This protest is signed by the representative men of the bands referred to and expresses the unanimous sentiment of the Indians interested," etc.

Also—

"WHITE EARTH, MINN., *July 14, 1905.*

"Hon. COMMISSIONER OF INDIAN AFFAIRS,
"*Washington, D. C.*

"SIR: We, the undersigned, members of the Mississippi Chippewa bands on this reservation, represent that while some of us protested," etc.

Also another inclosure: "Minutes of a Council of the Mississippi Bands of Chippewa Indians." These minutes are of a council of the Mississippi bands of Chippewa Indians of White Earth Reservation, held at the village of White Earth, Minn., July 20, 1905.

BURCH'S EXHIBIT No. 32.

UNITED STATES SENATE,
COMMITTEE TO EXAMINE THE SEVERAL BRANCHES OF THE CIVIL SERVICE,
July 27, 1905.

Hon. C. F. LARRABEE,
Acting Commissioner Indian Affairs.

DEAR MAJOR: At the request of the signers thereto, I transmit herewith the petition of the chiefs and some of the principal men of the Chippewa Indians on the White Earth Reservation in Minnesota, together with the letter of transmittal which accompanied the same, signed by B. L. Fairbanks, John Leecy, et al. Your kind consideration of this matter is earnestly solicited, in the hope that the relief sought may be afforded.

I am, very truly, yours, MOSES E. CLAPP.

During recess:
1447 Meridian Street, Washington, D. C.

WHITE EARTH, MINN., *July 15, 1905.*

Hon. M. E. CLAPP,
United States Senator, Washington, D. C.

DEAR SIR: Inclosed herewith we respectfully submit a protest from the resident members of the Mississippi bands on this reservation, which we ask you to file with the commissioner. This protest is signed by the representative men of the bands referred to and expresses the unanimous sentiment of the Indians interested without regard to recent complaints made by some of them about the allotments recently made. They prefer no charges to those proposed by the Commissioner of Indian Affairs.

We are informed that it is the desire of the Indian office to allot the lands on this reservation under the "Steenerson Act" in a manner that will be most satisfactory to the Indians interested. If this is true, we would ask that the special agent and Indian Agent Michelet be instructed to call a general council of the Indians in order to have the latter express their wishes in relation to the matter. We have not the least doubt, from our knowledge of the

existing sentiment, that they will be opposed to any reallotment of the land, but will insist that those made by Agent Michelet be approved.

Respectfully,

B. L. FAIRBANKS,
JOHN LEECY,
JOE (his x mark) CNETT, *Chief.*
MICHAEL LACHAPELLE.

Witnesses:
JOHN LEECY,
B. L. FAIRBANKS.

WHITE EARTH, MINN., *July 14, 1905.*

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: We, the undersigned, members of the Mississippi Chippewa bands on this reservation, represent that while some of us protested against the allotting of lands to nonresident members of our said bands who have never lived on this reservation, it was not the wish of a large majority of the bands to have the lands reallotted in the manner we have been informed by our agent you have instructed him to do.

If you insist upon having the lands allotted in the manner suggested by the agent, namely, by apportionment of the timber and other lands without regard to the lines of survey or legal subdivision thereof, the injury to us will be so great that the injustice complained of recently made, will sink into insignificance, for our allotments would become valueless for any purpose whatever.

The manner in which you propose to allot the lands to us would benefit only the lumbermen, who may purchase the timber, by enabling them to commit trespass upon the fractional tracts of those who would refuse to sell if they eventually decided to accept the allotments in the manner proposed, but who would be helpless to protect themselves without gross expense.

Much injustice has been done us in the past, but the manner in which it is proposed to allot us lands now, would be the crowning injustice of all.

We have made our selections, and while probably not entirely satisfactory to some of us, we prefer to keep what we have intact instead of having the land reallotted to us in the manner indicated.

We made our selections strictly in conformity with the laws under which our additional allotments were authorized, and we ask that these allotments be approved, in order that there may be no expense imposed upon us in securing them.

The wish expressed herein is not confined to only a few of the members of the band interested, but it is the unanimous wish of all concerned and this could be easily verified by the special agent now here.

Respectfully,

MAY ZHUCK KE GE SHIG (his x mark), *Chief.*
WILLIAM (his x mark) POTTER, *Chief.*
KE CHE MAH QUAH (his x mark).
JOHN HANDS.
TRUMAN BEAULIEU.
HENRY (his x mark) BELLANGER.
WILLIAM H. JOHNSON.
ED (his x mark) TANNER.
JOHN LEECY.
DAVID MCARTHUR.
SAH QUOD (his x mark).
PEDAH NOH QUOD (his x mark).
NOH SHE KE VON GOBBOW (his x mark).
WILLIAM (his x mark) PARKER.
JOE (his x mark) BRODE.
JOE CRUTT (his x mark), *Chief.*
DOY COM E GE SHIG (his x mark).
JACK SKI PEN DAY (his x mark).
MUH (his x mark) DASH.

Witnesses to the above signatures:
JOHN LEECY.
B. L. FAIRBANKS.

MINUTES OF A COUNCIL OF THE MISSISSIPPI BANDS OF CHIPPEWA INDIANS ON THE WHITE EARTH RESERVATION, HELD AT THE WHITE EARTH HALL, IN THE VILLAGE OF WHITE EARTH, MINNESOTA, JULY 20, 1905.

Notice of the meeting of said council having been given according to the tribal customs of said bands, and the duly accredited members thereof having met in council at the time and place above mentioned, the following proceedings were had, that is to say:

Shay day was elected chairman of the council, and he designated H. Selkirk as secretary and Theo. B. Beaulieu as interpreter thereof. The object of the council was then stated to be for the purpose of taking some immediate steps against the general annulment of the allotments made by Simon Michelet, United States Indian agent of the White Earth Indian Agency, Minnesota, commenced on April 24th, 1905, and continued from day to day until the 30th day of June last, under the "Steenerson Act."

After some discussion the following resolution was offered and adopted unanimously by the council:

Whereas under an act of Congress known as the "Steenerson Act" Simon Michelet, United States Indian agent, under the authority and direction of the honorable Secretary of the Interior, allotted lands to the members of said bands and others entitled to participate in the benefits of said act and according to the express promises of the commissioners who negotiated the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," each an additional allotment of eighty acres; and

Whereas the said Indians made their selections of land as prescribed by law, and the same was duly allotted to them by Simon Michelet as aforesaid; and

Whereas on account of certain complaints made by a minority of said bands, the Commissioner of Indian Affairs has instructed the annulment of the said allotments by the Indian agent, and directed the latter to reallot the lands to said Indians with the assistance of a special Indian agent designated for that purpose; and

Whereas the said bands do not believe the said commissioner has any authority under the laws of the United States to cause the annulment of said allotments without the consent of the allottees, or unless fraud was committed in the allotting of all the said lands under the "Steenerson Act"; and

Recognizing the injustice of setting aside all the allotments and reallotting the same as prescribed and directed by the honorable Commissioner of Indian Affairs as conveyed to said bands by the said Indian agent, the members of the said bands have, through their duly authorized representatives, unanimously agreed that, without regard to the complaints made by a portion of them, the allotments made by the said Indian agent, where found to have been made in conformity with law and regular in every respect, should not be annulled or otherwise disturbed; and it is the wish of said bands that only those of their numbers who have not established a residence upon the White Earth Reservation, as provided by the agreement of 1889, shall have their allotments annulled: Now, therefore

Resolved by the said bands of Mississippi Chippewa Indians in council assembled, That B. L. Fairbanks and Gus H. Beaulieu be, and they are hereby, designated and appointed the delegates, agents, and attorneys in fact of said bands to proceed at once to the city of Washington, D. C., and there, in the name and on behalf of our said bands, present to the honorable Secretary of the Interior and the honorable Commissioner of Indian Affairs the wishes of said bands as hereinbefore set forth, and to request and urge that the allotments made by the said Simon Michelet, United States Indian agent, be not annulled or disturbed, and to use every effort to have the order of annullment revoked.

And in their efforts to have such order revoked our delegates, agents, and attorneys in fact are hereby authorized to incur such expenses as they may deem proper to secure a proper presentation of our said wishes.

The council then adjourned without day.

I, the undersigned, interpreter of the council, the foregoing of which is a report, certify that said report was read in said council and interpreted by me before its adoption by the council, and that it represents the wishes of said bands, as stated in council.

THEO. B. BEAULIEU, *Interpreter.*

We, the undersigned, chairman and secretary of the council, the foregoing of which is a report, certify that said council was called, constituted, and held according to the tribal customs of said bands, that said report is correct and true and represents the wishes of said bands.

SHAY (his x mark) DAY,
Chairman.
HENRY SELKIRK,
Secretary.

I, the undersigned, United States Indian agent of the White Earth Indian Agency, Minnesota, hereby certify that I was awaited upon by a committee of two persons, namely, Budigonse and Aindus-o-geshig, chiefs of the Mississippi bands, who notified me of the proceedings of the council, the foregoing of which is a report, and represented to me that said council was held as stated and that said report represented the wishes of a large majority of said bands; and in view of said notification and the statements of said committee, I believe the said report to be correct and true.

Dated at White Earth, Minn., this 29th day of July, 1905.

SIMON MICHELET,
United States Indian Agent.

The CHAIRMAN. Have you knowledge as to whether the requirements of the calling of a lawful council were complied with, as shown here?

Mr. O'BRIEN. That is one of the things we expect to prove by one of the witnesses who have not appeared, but will be here in the morning.

The CHAIRMAN. You are going to offer direct evidence as to that?

Mr. O'BRIEN. We are going to try to. That's what we are going to try to give the committee, and for that reason we are putting in everything we can find that seems to be pertinent to this matter, in order that they may understand this matter thoroughly. Now, that finishes the representations made by the Indian Bureau by some of the Indians speaking through Senator Clapp, and I now wish to read from one of the original books from the Department of the Interior a letter dated September 6, 1905, from Commissioner of Indian Affairs Leupp to the Secretary of the Interior, found in book marked "correspondence, land division," volume 395, page 264.

The CHAIRMAN. Of the Indian Bureau?

Mr. O'BRIEN. Yes.

The CHAIRMAN. Does any gentleman desire to look further at the copy and originals? It is substantially a correct copy.

There is no response to the chairman's inquiry.

The CHAIRMAN. The copy is admitted.

Mr. O'Brien here reads letter, Exhibit No. 33, to the committee.

BURK'S EXHIBIT No. 33.

[Letter from Commissioner Leupp to Secretary of Interior. Letter Book 790, Vol. 395, Land Division, Office Indian Affairs.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 6, 1905.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Under date of May 29th last, May-zhuc-ke-ge-shig, principal chief of the Mississippi Chippewas of the White Earth Reservation, appealed to this office for assistance and advice in connection with the additional allotments to the Mississippi Chippewas under the "Steenerson Act." The old chief claimed to have been "shamefully treated" by Agent Michelet in placing under his charge an alleged white child—Margaret Lynch—who was granted an allotment along with himself and others under said act; that this had caused him great pain and sorrow, because of the belief of some of the Indians that he was instrumental in securing the allotment for the child in question. He also claimed that the

mixed bloods had secured the most valuable timber lands in their allotments, much to the prejudice and injury of the full bloods, and requested an investigation of the matter to the end that justice and equity might be done the full bloods in securing their additional allotments under the provisions of this act. For your further information in the premises, May-zhuc-ke-ge-shig's letter is transmitted herewith.

The facts stated by the chief, and the conditions disclosed by his letter, seemed to call for a thorough investigation of the allotments that were then being made by Agent Michelet. Accordingly, on June 1st Special Agent Downs was instructed by wire to make a thorough investigation of the entire matter relating to the allotments under the Steenerson Act.

Under date of June 13th, Special Agent Downs submitted his report, transmitting therewith the sworn statements of a number of the leading Indians of the reservation and of Agent Michelet, relative to the manner in which the allotments had been made. As the report will be sent herewith for your information it is not deemed necessary to review the same in detail. After a clear statement of the results of his investigation, the special agent recommended, in substance, that the allotments made by Agent Michelet be annulled; that an estimate of the timber on each forty-acre tract be made, the same to be placed on file at the agency so that all interested parties may have access to the same, and that new allotments be made, etc.

Based upon the special agent's report and recommendation, on July 6th the office instructed Supervisor Sam B. Davis to make an estimate of the pine and hard wood timbers standing and growing upon the tribal lands of the reservation. On the same date the office addressed a letter to Agent Michelet and Special Agent Downs, jointly, annulling the allotments already made under said act, and directing new allotments by them in accordance with the special agent's recommendation, after an estimate of the timber shall have been made by Supervisor Davis. For your further information a copy of said letter is sent to you herewith.

While waiting for an estimate of the timber by Supervisor Davis, on July 27th Hon. Moses E. Clapp submitted to the office a petition of B. L. Fairbanks and others, protesting against a reallotment of the lands, as contemplated by the instructions of July 6th. This petition and protest are not now in the office, and can not, therefore, be submitted herewith. However, under date of August 21st Senator Clapp referred to the office a statement by B. L. Fairbanks and Gus Beaulieu relative to the matter, and a similar petition, signed by a large number of the Mississippi Chippewas, referring to the petition of July 20th, and protesting against the annulment of the allotments made by Agent Michelet and a reallotment of the lands, as contemplated by the instructions of July 6th. The reasons for such protest are quite fully stated in the petition. The petition and the statement of Messrs. Fairbanks and Beaulieu are transmitted herewith.

The report of Supervisor Davis, submitted an estimate of the timber on the White Earth lands, was received on August 29th; but in view of the petitions and protests above referred to, the office is of the opinion that an inspector should be sent to the White Earth Reservation to ascertain the actual wishes of the Indians in the premises. It can not be told from the information now at hand whether a majority of the Indians is in favor of an annulment of the allotments made by Agent Michelet or not. It is therefore respectfully recommended that Inspector McLaughlin be sent to the White Earth Reservation as early as practicable, to ascertain the wishes of a majority of the Indians in the matter of said additional allotments—that is, whether a majority of the Indians prefer that the allotments as made by Agent Michelet shall stand, or whether they prefer to "draw" for the choice of selections under a system similar to drawing for homesteads by the whites where Indian lands are to be opened for settlement, the allotments in the order of the selections to be made either by a special agent of this office, or by a special agent and Agent Michelet jointly, as you may designate.

In case Inspector McLaughlin is instructed with this duty, he should be instructed to hold a council of the Indians, with as large an attendance as can be procured, and obtain from them an individual expression of their desires and views, and to adopt such other measures as may be necessary to ascertain the views of a majority of the adult Indians. He should also be cautioned to employ an interpretor who is not only competent, but who can be trusted to interpret honestly that which is said.

The papers submitted herewith should be returned to the files of this office after action by the department.

Very respectfully, F. E. LEUPP, *Commissioner*.

Mr. O'BRIEN. The next thing that we wish to produce or offer in evidence is the report of Agent-Inspector McLaughlin. I am unfortunately not able to present the original for the inspection of the committee, for the reason that shortly after the opening statement signed by Judge Burch was presented to the Committee, in which a reference was made to Inspector McLaughlin's conduct on the reservation, the Secretary of the Interior called for the original report made by Inspector McLaughlin, and it was therefore transmitted from the Department of Justice to the Interior Department, and I have only the photographic copy of it left. I can offer it in evidence and request that it be compared with the original when the committee gets back to Washington.

The CHAIRMAN. Is there anyone here that is familiar with Mr. McLaughlin's signature who desires to look at it? Mr. Beaulieu, do you desire to inspect the signature?

Mr. Beaulieu inspects the signature, remarking, "That looks like it."

Mr. LINNEN (examining signature). Yes; that is his signature.

The CHAIRMAN. Under the conditions you mention, you may read it; it may go in.

Mr. O'BRIEN. This is a report, signed by James McLaughlin, United States Indian inspector, addressed to the honorable the Secretary of the Interior, dated St. Paul, Minn., October 6, 1905.

Mr. O'Brien here read the report above referred to, which is marked "Exhibit 34."

BURCH'S EXHIBIT NO. 34.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
St. Paul, Minnesota, October 6, 1905.

The honorable the SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: Under department instructions of the 7th ultimo, I have the honor to report the result of a council held by me with the Indians of the White Earth Reservation, Minnesota, relative to the allotments recently made to them by Agent Michelet under the Steenerson Act.

My said instructions directed me to ascertain the wishes of the Indians in the matter of these allotments, whether a majority preferred that the allotments as made by Agent Michelet should stand or whether they preferred to "draw" for the order of selections under a system similar to "drawing" for homesteads by whites where Indian lands are to be opened to settlement, and I was directed to call a council of the Indians, with as large an attendance as could be secured, and obtain from them an expression of their wishes, and to adopt any other measures I might deem necessary to ascertain the views and wishes of the majority of the adult Indians in the premises.

I arrived at White Earth Agency on Sunday, the 17th ultimo, and the following morning mailed to each chief and leading Indian of those interested, also for posting in the post office at which the Indians receive their mail, the following notice:

NOTICE.

WHITE EARTH AGENCY, MINN.,
September 18, 1905.

The undersigned desires to meet the Mississippi and Otter Tail Chippewa Indians of the White Earth Reservation, Minnesota, in council on Monday, September 25, 1905, at the hour of one o'clock p. m., at the White Earth Agency. All Indians interested in additional allotments of land under the "Steenerson Act" are requested to be present and participate in the council.

JAMES MCLAUGHLIN,
U. S. Indian Inspector.

The above notice, requesting all interested Indians to attend the council, was sent out one week in advance of the date set for the same, which gave all interested persons ample time to reach the agency before the council was convened—that they might thus be present and participate in its sessions—so that all would know the object of my mission and avail themselves of the privilege of expressing their individual preference on the question for which the council was called.

I am reliably informed that the council was the largest representative gathering that has been assembled in conference on the reservation in many years, and a reference to the minutes, transmitted herewith, marked "Exhibit A," will show that each session was attended by the representative and leading men of the reservation, and that every phase of the question as to the additional allotments was fully discussed and clearly understood by those assembled.

From what I learned in conversation with many of the Indians (although there was no mention of it made in council) I am of the belief that the contention of those opposed to the allotments as made by Agent Michelet has been influenced largely by a belief that should a reallotment be ordered all of the full-blood Indians would be allowed to select their allotments first, and that after their selections had been scheduled the mixed bloods would then be allotted from the remaining unappropriated lands of the reservations; and I feel quite positive that this belief of the persons who have been opposing the allotments, as made, has been encouraged by it having been suggested to some of them that such would be done, and if they were fully convinced that such would not be the case, all would soon acquiesce and accept the allotments as made, without further contention.

It will be seen from the minutes of the council, pages 19, 25, 32, 37, and 39, that none of the Indians favored the system of "drawing" for choice of selection in which everybody would be on an equal footing, and that those opposing the allotments as made only desire a reallotment in the same manner as made by Agent Michelet last spring. (See minutes of council, pages 11, 25, 27, 40, and 41.) As hereinbefore stated, every phase of the question as to the additional allotments was fully discussed and clearly understood by those assembled before the vote was taken declaring the preference of the individual Indians as to whether the allotments should stand, as made by Agent Michelet, or have the land reallotted, and the result of the vote showed one hundred and thirty (fifty-four of whom were full bloods) in favor of the allotments as made, with only five in opposition, while nineteen declined to express themselves regarding the matter and withdrew from the council room, and two of the latter were not entitled to vote on the question, one being a Cass Lake Indian and the other a member of the Pembina band. (See minutes of council, pages 43 and 44.)

In all my experience in dealing with the Indians and counciling with them I have never seen the old full-blood Indian woman manifest such a deep interest in the matter under discussion as the old women did in this allotment question; they attended the council in large numbers and talked to me personally about being permitted to keep their allotments. At the time the vote was taken fourteen in number wanted to vote with the male adults, and seven other women, who represented fifteen male adults (grown sons, who were unable to be present to vote their own wishes), among them was old Mon-i-do-wub, known at White Earth as the "old queen."

Among the fifty-four full-blood Indians who voted for the allotments to stand as made by Agent Michelet, was May-zhuck-ke-ge-shig—the sole survivor of the ten hereditary chiefs who, in 1867, concluded the treaty establishing the White Earth Reservation—and the following chiefs: Tay-cum-e-ge-shig, Nay-tah-waush, O-jib-way, Joseph Broad (representing Hole-in-the-day), O-dub-e-naun-e-quay, William Potter, O-muck-uck-cence, Ish-quay-gah-bow, Mah-eeng-aunce, Wah-we-yay-cum-ig, Nah-bun-ay-aush, and Joseph Charette. These are the older and leading chiefs of the White Earth Reservation, and represent more than three-fourths of the Mississippi and Otter Tail Bands of Indians.

In order that I might be fully informed regarding these additional allotments, I read all correspondence on file in the agency office relating to same, and respectfully submit, as pertinent to the question, that the allotments in controversy were made under the act of Congress approved April 28, 1904 (Public, No. 218), commonly known as the "Steenerson" Act, which provides "That the President of the United States is hereby authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation

under treaty or laws of the United States, in accordance with the expressed promise made to them by the commission appointed under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and to those Indians who may remove to said reservation who are entitled to take an allotment under article 7 of the treaty of April 18, 1867, between the United States and the Chippewa Indians of the Mississippi, one hundred and sixty acres of land. The act also provides that where an allotment of less than one hundred and sixty acres has heretofore been made the allottee shall be allowed to take an additional allotment, which, together with the land already allotted, shall not exceed one hundred and sixty acres; and if there is not sufficient land in the Diminished White Earth Reservation subject to allotment to give each Indian entitled thereto an allotment in quantity as provided in the act then the lands shall be prorated among the Indians."

Under date of June 7, 1904, "Land, 36843-1904," Agent Michelet was informed by the Indian Office that he had been designated by the President to make the allotments under the said act to the bands of Indians who were to participate. The Otter Tail Pillagers not being mentioned, made a protest, and the question as to whether they should participate or not was submitted by the Indian Office to the Attorney General for an opinion.

Under date of November 8, 1904, "Land, 77606-1904," Agent Michelet was furnished by the Indian Office with a letter-press copy of the opinion of the Attorney General, holding that the Otter Tail Pillagers residing on the White Earth Reservation are entitled to additional allotments under the Steenerson Act.

Under date of March 10, 1905, "Land, 17151-1905," Agent Michelet was instructed by the Indian Office to reserve sufficient lands to make all the original allotments under the act of January 14, 1889, before making the additional allotments.

On March 18, 1905, Agent Michelet caused to be posted at different places on the reservation visited by the Indians a notice which reads as follows:

"NOTICE.

"Notice is hereby given that the undersigned will begin to make additional allotments to White Earth Indians entitled thereto under the Steenerson Act on Monday, April 24, 1905.

"SIMON MICHELET,
U. S. Indian Agent."

Dated at White Earth, Minn., March 18, 1905.

For copy of this notice see report of Special Agent Downs, dated June 13, 1905, marked "Exhibit G."

From the above notice it will be seen that the agent gave thirty-seven days' notice as to the date allotting would commence, and from inquiries made I find that there is no doubt but that due and sufficient notice was given, and that all of the Indians thoroughly understood when the allotting was to begin. (See Big Bear, full blood, council proceedings, p. 24.)

During my recent visit to the White Earth Reservation I learned that for several days prior to the day set for the beginning of making of the allotments both mixed and full blood Indians began to gather around the agency. The allotment question was discussed in all of the trading stores, in fact, every place where the Indians congregated, all eagerly awaiting the hour to arrive when each one would have an opportunity to file his or her selection. To my knowledge this is the first time in the history of the making of allotments to Indians that such a desire on the part of the Indians has existed.

This eagerness on the part of the Indians is probably due to the fact that practically all of the Indians of the White Earth Agency except the nonremoval Mille Lacs, nonremoval Sandy Lake, and White Oak Point Indians have had their original allotments made to them, consisting of fine agricultural lands, and have come to see and appreciate the benefits coming to them from the act allotting to Indians lands in severalty so different from the reluctance with which they took their original allotments, it being only through persuasion and coercion that they consented to accept allotments in severalty.

It is only some fifteen years since the first allotments begun, but not finished until July 21, 1900, and this instance stands as expressed evidence of the civilizing effect and the wisdom of the policy giving to Indians allotments in severalty.

I find that for a number of years there has been considerable feeling between the Indians of full blood and the Indians of mixed blood of this reservation, especially at this time, as to such mixed bloods as reside away from the reservation; such as are away employed in the different Government schools; those who reside in different places, some within and others out of the State where they are engaged in different pursuits and occupations. This is due partially to the fact that the mixed bloods are increasing, and the full bloods decreasing; and partially due to the fact that children going away to school for a number of years—to nonreservation schools—come back so much changed and have so much taken up with the white habits, that the Indians fail to recognize them.

From time to time this feeling has cropped out and in councils held by the full bloods they have demanded that the nonresidents mixed bloods be stricken from the rolls. I refer specifically to the "Sloan" cases submitted from White Earth Agency, and replied to in Indian Office letter dated June 28, 1904, marked "Land, 40427-1904," to Agent Michelet, transmitting copy of department letter of June 18, 1904, in reference to the act of 1889, which act, section 3, makes express reference to the act of February 8, 1887 (24 Stats., 388), and in construing which the Honorable Secretary of the Interior says that:

"The enrollment of these applicants by the commission presumably shows them to be Chippewa Indians, of Minnesota. Being so they are entitled to the annuities arising from sale of the ceded lands under section 7 of the act of January 14, 1889. No distinction is there made in favor of such only of the Chippewas as take allotments or reside upon the reservation. Those who adopt the habits of civilized life residing apart from the tribe do so upon the invitation of the Government and under its promise that they do not thereby forfeit their right to tribal property and are entitled to receive their annuities. So also, under the act of June 7, 1897 (30 Stat., 62, 90), are the children of a Chippewa woman by blood intermarried with a white man, for nothing in the act of 1889 indicates that the invitation held out to all Indians to abandon tribal relations and to adopt the habits of civilized life was intended to be recalled as to the Chippewas by the act of 1889. The national policy to encourage the Indians generally to such course is not changed as to the Chippewas, and the condition of residence on the reservation imposed upon the right to take allotment does not justify the withholding of annuities from such Chippewas as adopt civilized life and reside elsewhere than on the reservation.

"The fact that John, Allen, and George Sloan were signatory parties executing cession of the land shows that they were recognized by the Indians and by the United States as Chippewa Indians. The trust having been created by that instrument, the trustee, the United States, is in no position to deny them the benefits of the instrument which they executed as grantors and whereby the United States, as a trustee, acquired the land. It can only require that they conform to the condition of the contract and obtain allotments, if they claim them, under the same condition as the other Chippewas.

"The dropping of these persons from the annuity rolls is therefore unauthorized. If their absence from the reservation is due to their adopting the habits of civilized life, they are entitled to their annuities and to be held for that purpose upon the tribal rolls, as also are the children of a Chippewa woman by blood intermarried with a white man. If they are nomadic Indians, without settlement and civilized manner of life, they are simply absentees from the tribe and reservation and to be so dealt with. Former departmental rulings holding that annuities are forfeited by failure to reside on the reservation are overruled."

On Sunday, the 23rd day of April, 1905, about 11.00 o'clock a. m., a line was formed in front of the Indian agent's office, but outside of the enclosure, at the gate which leads to the agency office. At the head of this line was a little girl, Margaret Lynch, about nine years old, a mixed blood, and it was not long before the line included several hundred persons who were prepared to camp there until they had an opportunity to make their filings. Food was provided them by their friends, and in the evening blankets were brought to them. This line consisted principally of mixed-blood Indians.

On Sunday evening the full bloods held a council and sent for Agent Michelet, who met them. The Indians objected to the line formed, for the reason that it contained many faces of persons residing outside of the reservation which they could not remember as Indians, and threatened trouble, but Agent Michelet advised with them and arranged to meet them on Monday morning before any allotments were made.

Upon the agent meeting the Indians on Monday morning as arranged, the full bloods demanded the exclusion of the mixed-blood Indians, whom they objected to as not being rightful participants, but the agent told them that he had no power to do so; that any person appearing on the rolls as entitled to particiapte would be recognized by him. The Indians then asked the agent to postpone the allotting and wire the Indian Office in regard to the exclusion of such persons as they might object to. This he refused to do, but suggested that if any person made application for an allotment who the Indians did not recognize, for them to make a protest, and that he would record same, so that if there was any merit in their contention the same would be certified to, that it might be passed upon by the proper authorities. After councilling for some time, it was finally agreed that first a full-blood Indian should be allotted and then a mixed blood should be allotted. This suggestion, I find, came from Agent Michelet and was concurred in by the Indians, and it was also agreed that a committee consisting of full and mixed bloods should be present in the allotting room, that they might challenge any person they did not feel was rightfully entitled to an allotment of land, and that five full bloods and three mixed bloods constituted this committee, which plan worked smoothly throughout the allotting. When the hour arrived for the closing of the first day's work the Indian agent issued a number to each person then waiting in line for an opportunity to be allotted, giving a number first to a full blood and then to a mixed blood, as long as there remained any full bloods; thereafter to the remaining mixed bloods.

In this connection I submit, as my opinion from what I have learned, that had Agent Michelet not decided with promptness, and exercised good judgment at the time, also with absolute fairness as between the two factions, serious trouble might have resulted, and that the prudent course he pursued satisfied all parties interested, except a very few, comparatively, who would not have been satisfied with anything that might have been conceded to them.

As having a bearing on this question, I invite attention to Indian Office letter, "Land, 38274–1905," dated May 26, 1905, instructing Indian Agent Michelet to investigate and report on the matter of complaint of the chiefs and headmen of the Mississippi Band of Chippewa Indians protesting against the further recognition of some forty-three persons as members of the White Earth Reservation. This list contains the names of the persons the Indians protested against receiving additional allotments, among the number being the little girl, Margaret Lynch, so much talked about in connection with this matter.

Replying to said letter, Agent Michelet reported to the Indian Office, under date of June 16, 1905, and in reply thereto received Indian Office letter of July 28, 1905, marked "Land, 47476–1905," from which I quote:

"Your report shows that the persons complained against are regularly enrolled with the White Earth Chippewas, most of their names appearing on the original census of 1889, and that all of them have received allotments in severalty on the White Earth Reservation. After a submission of the original census number, the present enrollment number, the name, age, and sex of each applicant, and the schedule number, you state: 'I take it that your office does not want me to reopen these cases, as they have been passed upon by the Chippewa Commission.'

"In view of the fact that all of these cases have been favorably passed upon by the Chippewa Commission, and all of the persons have been granted allotments, it is the opinion of the office that the cases should not be reopened. You are therefore instructed that the cases must stand as previously adjudicated by the Chippewa Commmission. The White Earth Council should be advised accordingly."

I have deemed it proper to refer to the foregoing ruling, which fully justifies Agent Michelet's action in allotting to all Indians borne on the annuity rolls. This from the fact that it was the alloting of lands to some of those very persons that first caused the agitations against the recent allotment.

The written statement of Agent Michelet, submitted by Special Indian Agent Downs in his report dated June 13, 1905, is a clear explanation as to how the lines were formed on the morning the allotment begun and now he proceeded with the allotting by first allotting to a full blood and then a mixed blood alternatively, until the full bloods present had all been allotted, after which he allotted to beneficiaries as they presented themselves.

Returning to what transpired in our councils, Peen-de-gay-ge-shig asserted (see p. 21 of minutes) that the mixed bloods had employed some one to put him out of existence and would pay for getting him out of the way; also that

the Indian agent had given a man $6 to furnish him with liquor to get him so intoxicated that he would not know what he did, and during our Wednesday's council Rev. Chas. Wright intimated that allotments had been made to deceased persons by Agent Michelet (see p. 27 of minutes), and upon my asking for the names of the persons alleged to have been thus allotted, Peen-de-gay-ge-shig replied that Gus Beaulieu's father and certain others of said Beaulieu's relatives had received additional allotments, whereupon Gus Beaulieu contradicted the allegation (see pp. 28 and 29, as to these two assertions). This controversy occurred during the forenoon session of Wednesday, September 27th, and I examined the agency records at noon and found that allotments had only been made to living persons by Agent Michelet, and so announced to the Indians upon the council reconvening Wednesday afternoon.

The statement thus made by Peen-de-gay-ge-shig in council called for an investigation as to the truth or falsity of the charge, and I subsequently examined the several witnesses whose names were given me by said Peen-de-gay-ge-shig, as shown by the sworn testimony transmitted herewith, marked "Exhibit B," and the testimony of William Hanks, the witness named by Peen-de-gay-ge-shig, disproves the allegation as to Agent Michelet having given him $6.00, or any other sum, with which to purchase liquor to get Peen-de-gay-ge-shig or any other Indian intoxicated. (See pp. 6 and 7 of the testimony.)

As to Agent Michelet having made allotments to any deceased persons, the office records disprove the allegation, but the conversation that Gus H. Beaulieu had with Charlotte Charette, and which she told Peen-de-gay-ge-shig (see pp. 13 to 16 of the testimony), was sufficient to create suspicion in the mind of Peen-de-gay-ge-shig, and from which information he doubtless believed that allotments had been made to the four deceased Beaulieus, whose names were given by Peen-de-gay-ge-shig on page 21 of the council minutes, "Exhibit A," also in the third question in my examination of Gus H. Beaulieu, page 17 of the testimony, "Exhibit B."

I examined the witness Me-ge-zeence regarding the statement of Peen-de-gay-ge-shig that he was told that mixed bloods had employed some one to put him out of existence, and the testimony was simply what Red Boy had told him. I endeavored to obtain the testimony of Red Boy, whose name was given by the witness Me-ge-zeence (pp. 11 and 12 of the testimony) as having made the threat against Peen-de-gay-ge-shig, but he (Red Boy) was absent from the reservation and his whereabouts unknown, and I was therefore unable to interrogate him in reference to the matter. I learned, however, that there has been bad blood between said Red Boy, who is also a full blood, and Peen-de-gay-ge-shig for some time past, and that they had a fist fight in a drunken row some months ago, and it is possible that Red Boy may have made some idle threats against Peen-de-gay-ge-shig, as alleged by the witness Me-ge-zeence; but that the mixed bloods or any other person would hire him to put Peen-de-gay-ge-shig out of the way is too absurd to be considered seriously.

There was little or no interest taken by the people of the reservation over this trouble between Peen-de-gay-ge-shig and Red Boy, as all say that there is practically nothing to it other than distrusting each other from their recent drunken row, and I believe that my having investigated the matter will satisfy both parties and no further trouble will come from it, the case having now been heard by an official of the department.

From my observations and what I learned while on the White Earth Reservation, I feel quite certain there would have been no active opposition to the additional allotments made by Agent Michelet were it not for Rev. Chas. Wright's attitude in the premises. Said Rev. Chas. Wright is a member of the Mississippi Band of Chippewa Indians belonging on the White Earth Reservation, but has resided at Leech Lake for the past eighteen or twenty years, and is now stationed at Cass Lake as a missionary of the Protestant Episcopal Church. He is the oldest son of White Cloud, deceased, formerly head chief of the Mississippi Band of Chippewas, and claims the right of succession; but this chieftainship is held by William Wright, a younger son of the said White Cloud by another woman, to whom White Cloud was legally married after having separated from the mother of Rev. Chas. Wright, and, as stated to me by Rev. Louis Manypenny, Protestant Episcopal missionary at Leech Lake, who was official interpreter at our councils, White Cloud chose his second son, William, to succeed him as chief, for the reason that he was the issue of a Christian marriage.

It is also stated that White Cloud made a will leaving his chieftainship to his son, William Wright (see minutes of council, pp. 30 and 31); but be this

as it may, the said William Wright is recognized at the agency as chief of the Mississippi White Earth Band, he being carried on the rolls as chief of that band.

Notwithstanding that all of the interested Indians had due notice that Agent Michelet was going to begin allotments under the Steenerson Act on April 24, 1905, Rev. Chas. Wright did not report at the agency nor apply for his additional allotment until about two weeks had elapsed after the allotting had commenced (see Rev. Chas. Wright's speech, minutes of council, p. 10); that he was not present at the allotting.

From Rev. Chas. Wright's attitude throughout the recent council at White Earth Agency, and from what I learned of his agitation of this allotment question for the past three months, I am led to the belief that he is not so much opposed to the allotments made by Agent Michelet as he is desirous of being recognized head chief of the Mississippi White Earth Chippewas, and that he hoped by his agitation of this question to force such recognition from Agent Michelet and the Indians constituting said band. And whilst he did not make any very lengthy speeches in our councils, his sentiments being more frequently voiced by Peen-de-gay-ge-shig, a man of many words but little logic, who did more talking than any three of the other speakers, and it was evident that his speeches were made at the instigation of Rev. Chas. Wright, as Peen-de-gay-ge-shig has no good cause for complaint, he having, as shown by the agency records, received his additional allotment and the identical tract which he had selected some weeks previous to the allotting.

I was fortunate in securing as interpreter the services of Rev. Louis Manypenny, Protestant Episcopal missionary at Leech Lake, who is not a beneficiary of the Chippewa Reservations of Minnesota, and therefore disinterested in the controversy over these additional allotments, and he having been one of the official interpreters in our negotiations with the Mille Lacs Chippewas in August, 1902, was well known to me, and through him I talked to many of the full-blood Indians relative to this matter, from which talks, together with other evidences, I reached the conclusion that Rev. Chas. Wright and Peen-de-gay-ge-shig were chiefly (if not entirely) responsible for the dissatisfaction which has existed among the Indians of this reservation over these additional allotments, and their following gradually deserted them during the council, so that as hereinbefore stated, when the final vote was taken as to whether the allotments should stand as already made or be reallotted, there were but five votes in the negative, and nineteen declined to vote, but withdrew from the council room, and two of the latter were not entitled to vote on the question.

The total number entitled to additional allotments under the Steenerson Act, as now carried on the rolls of the White Earth Reservation, is 2,811, of which number 1,800 have been allotted by Agent Michelet, leaving 1,011 yet to be allotted, the agent having received on July 8, 1905, Indian Office letter, "Land, 48804—1905," notifying him that the allotments which he had made under the said act were abrogated and annulled, and upon which date he discontinued allotting. Of the 2,811 individuals entitled to allotments, as shown by the agency records, 36 per cent are full blood and 64 per cent mixed blood. 1,012 being carried on the rolls as full blood and 1,799 as mixed blood, of whom 519 full blood and 1,281 mixed blood have been allotted, leaving 493 full blood and 518 mixed blood yet to be allotted; and there is ample land on the reservation to give each of them the additional eighty acres provided for under the act.

After a careful study of the whole matter, and being confident that Agent Michelet allotted the lands impartially and as equitably as was possible under the act, and believing that a reallotment would engender much bitter feeling and greater dissatisfaction than has heretofore existed, from the recent allotment, and as the dissatisfaction occasioned by the agitation of the question is rapidly subsiding, and that no allotment could be made of said lands that would give satisfaction to all, I would respectfully recommend that the allotments be allowed to stand as made by Agent Michelet; and that he be authorized to proceed with the allotments until completed, only about 35 per cent of which remains to be made.

I am, sir, very respectfully, your obedient servant,

JAMES MCLAUGHLIN.
U. S. Indian Inspector.

The CHAIRMAN. Mr. O'Brien, can you inform me what the qualifications are which entitle an Indian to sit and act in a council meeting?

Mr. O'BRIEN. I take it to be that he must be an Indian, belonging to the particular band which is then in council, and who must be duly enrolled upon the official tribal roll.

The CHAIRMAN. You spoke of women representing absent male members of their families.

Mr. O'BRIEN. That is in Mr. McLaughlin's report.

The CHAIRMAN. I mean, you read about it. Are women entitled to sit in the council meetings and participate in them?

Mr. O'BRIEN. No; I do not so understand it. It seems that the White Earth Indians have followed the plan laid down in the Nelson Act, that the adult male Indians only are entitled to participate in councils and vote. Is that right Mr. Beaulieu?

Mr. BEAULIEU. Yes, sir. When Mr. McLaughlin was there they didn't vote. They were present, but were not allowed to vote. There were a great many women present.

Mr. O'BRIEN. There is a supplemental report. I will submit it without reading it. There is just one or two little points in there——

The CHAIRMAN. If you will give us the substance of it, it might save you the effort of reading it, so as to keep the thread of the thing.

Mr. O'BRIEN. It is a letter from James McLaughlin, United States Indian inspector, dated at St. Paul, Minn., October 7, 1905, addressed to the honorable the Secretary of the Interior, transmitting the council proceedings.

Mr. O'Brien here read said letter, which is marked "Exhibit No. 35."

BUECH'S EXHIBIT No. 35.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
St. Paul, Minn., October 7, 1905.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to transmit herewith, marked "Exhibit A," proceedings of a council held by me with the Indians of the White Earth Reservation, Minnesota, on the 28th and 29th ultimo, and respectfully submit that during my council with the Indians in regard to the additional allotments, which I had the honor to report upon yesterday, they embarked upon other grievances, and I then informed them that after I had disposed of the allotment question I would take up such other matters as they desired to present. It was with reluctance that I agreed to do this, owing to the fact that my instructions simply referred to the allotment matter, but the conduct of the Indians throughout our councils was so examplary that I could not well refuse to hear their grievances and submit them to you as requested. As will be seen by the council minutes herewith, pages 1 to 18 and 21 to 22, their main grievance was opposition to the sale of timber on the allotted and lands to be allotted, which is advertised to take place November 15, 1905. In this opposition the Indians seemed to be unanimous, and expressed themselves as satisfied in the manner and method that their timber has been disposed of during the last two logging seasons.

They object to certain persons whom they claim are wrongfully on the rolls of the White Earth Agency (see pp. 19 and 20 of minutes), but this question seems to be settled by Indian Office letter, "Land, 47476–1905," dated July 28, 1905, replying to Agent Michelet's report, dated June 16, 1905, which reads as follows:

"Your report shows that the persons complained against are regularly enrolled with the White Earth Chippewas, most of their names appearing on the original census of 1889, and that all of them have received allotments in severalty on the White Earth Reservation. After a submission of the original census number, the present enrollment number, the name, age, and sex of each applicant, and the schedule number, you state: 'I take it that your office does not want me to reopen these cases, as they have been passed upon by the Chippewa Commission.'

"In view of the fact that all of these cases have been favorably passed upon by the Chippewa Commission, and all of the persons have been granted allotments, it is the opinion of the office that the cases should not be reopened. You are, therefore, instructed that the cases must stand as previously adjudicated by the Chippewa Commission. The White Earth council should be advised accordingly."

However, if this ruling is not final, I recommend that the agent be instructed to take up the matter, taking such evidence as the Indians present and submit it to the Indian Office for adjudication.

Another matter in which the Indians seem to think they have a grievance is that the moneys derived from the sale of timber and from the sale of inherited Indian lands are withheld from them and only paid to them in installments of $10.00 monthly. It seems that prior to the last order directing the payment of $10.00 per month the Indians received the full amount of the purchase price in one payment, and anticipating that this would continue, they received credit on the strength of such sales as they made, and when the $10.00 per month order came they were unable to liquidate their indebtedness. This has caused considerable feeling in the surrounding community against the Indians, who appear to be anxious to meet their just obligations, and in many instances they are harassed by their creditors.

In view of the circumstances related, I would respectfully recommend that the agent be instructed to audit and schedule the accounts and submit them for department approval, then liquidate them, with the understanding that in the future the Government will not authorize the liquidation of such indebtedness. This should be thoroughly understood by the Indians and traders with whom they transact business. If the debts are bona fide and reasonable, it would seem but just that they be paid when the Indian has money to his credit with which to liquidate his indebtedness, that sentiment prejudicial to the Indians may not be enhanced in the surrounding country.

I am, sir, very respectfully, your obedient servant,

JAMES MCLAUGHLIN,
U. S. Indian Inspector.

At this point the committee adjourned until 10 o'clock a. m. January 26, 1912.

WHITE EARTH RESERVATION

No. 11

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 26, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARRON, *Clerk.*

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Friday, January 26, 1912.

The committee convened at 10 o'clock.

Appearances were as before, and also Mr. Simon Michelet appeared on his own behalf.

Mr. MICHELET. My name is Simon Michelet. I desire at this time to enter an appearance on my own behalf, and ask the honorable committee when the proper time comes that I be given an opportunity to be heard and present my side of the question.

The CHAIRMAN. You appear for yourself?

Mr. MICHELET. At this time I appear for myself.

The CHAIRMAN. Please let it appear of record that Mr. Simon Michelet attended in his own behalf. Judge Burch, are you ready to proceed?

Mr. BURCH. Mr. O'Brien is ready to proceed.

Mr. O'BRIEN. Since adjourning yesterday I have received a certified copy of the report of Maj. McLaughlin, a photographic copy of which was introduced yesterday, and if any question is raised, the certified copy can be compared with the photographic copy for the purpose of proving the correctness of the copy now upon the record.

The representatives of the Department of Justice in this matter do not at any time during the course of these hearings wish to be placed in the position of making any argument before this committee; but in order that our theory of this McLaughlin report may be manifest, or in order that a more comprehensive and connected story of the White Earth Reservation matter may appear in this record, we desire at this time to call the committee's attention to one or two of the more salient features of the McLaughlin report.

This report states specifically that the chief objector to the allotments made by Simon Micheler was one Rev. Charles Wright. Mr. McLaughlin is not content in his report to say that he has carefully investigated the charges made by Wright and found them without foundation, but must go further. He must, in his report, endeavor to humiliate the Rev. Mr. Wright by seeking, as he does, to create a doubt as to the Christian origin of a reputable Christian clergyman. Another point in connection with McLaughlin's report——

The CHAIRMAN. You refer there to the statement wherein the charge was made that a brother-in-law of his was made chief because he was Christianized and this man was ignored because he was not?

Mr. O'BRIEN. Yes. Now, my point in connection with the McLaughlin report, and one which we must confess is astounding to us when we consider that the Indian Office seems to have overlooked

it altogether, is this: That the petition which Senator Clapp transmitted to the Indian Office on behalf of certain mixed bloods of the White Earth Reservation requested that an Indian agent other than Jack Downs be sent to the White Earth Reservation, if possible, to determine whether the report of the Indians on the White Earth Reservation were satisfied with the allotments. The letter from the Commissioner of Indian Affairs to the Secretary of the Interior—which is part of the records of this committee now—states specifically that Maj. McLaughlin if sent there is to ascertain the wishes of the majority of the Indians both by holding councils and by adopting such further means as he may deem necessary to ascertain what the wishes of the majority of the Indians are. McLaughlin in his report states that he has carefully examined every paper connected with the case and knows all about it, consequently is able to make an absolute clean-up of the matter. Consequently he must have known what his duties in the premises were.

The CHAIRMAN. To refresh my recollection, please, how many Indians does that report of McLaughlin say attended the council meeting?

Mr. O'BRIEN. He states that approximately 130 Indians attended the council meeting. He also says that approximately 2,800 Indians were entitled to allotment under the Steenerson Act, close on to 2,800; and, as I have stated before, it is a matter of absolute amazement to us to understand how 130 Indians could be construed as a majority of 2,800. Or, put it in another way, which might be more favorable to the McLaughlin report, that only 1,800 of the Indians had at that time been allotted; we are still unable to understand how Maj. McLaughlin figured that 130 Indians is a majority of 1,800.

The CHAIRMAN. I will ask you further, although I do not mean to make a witness of you, at the time the report went to Washington and was acted on in the Indian Office who was the commissioner?

Mr. O'BRIEN. Francis E. Leupp.

The CHAIRMAN. Do your recall now whether the indorsements on that report show who handled and passed upon it?

Mr. O'BRIEN. That will probably be better shown by the order which was filed with the report.

The CHAIRMAN. So long as you show it, I don't care.

Mr. O'BRIEN. We will complete the record on that score and show that.

The CHAIRMAN. I am inquiring merely for information. I would like, also, to inquire of some one who knows whether Mr. Michelet is still in the Government service?

Mr. LINNEN. He is still in the Government service.

The CHAIRMAN. What was his position at the time this report was made?

Mr. LINNEN. United States Indian inspector.

The CHAIRMAN. What is his present service?

Mr. LINNEN. Inspector for the Secretary of the Interior.

The CHAIRMAN. Is that demotion or promotion?

Mr. LINNEN. Practically the same. They have simply changed the name from United States Indian inspector to inspector.

Mr. O'BRIEN. Isn't he now the chief inspector there?

Mr. LINNEN. No, sir.

The CHAIRMAN. Where is his place of service now?

Mr. LINNEN. He, of course, would go anywhere where he is sent by the Secretary; but he is usually in the Dakotas, and Minnesota, being very familiar with the Sioux people.

The CHAIRMAN. Who was the Government officer who made the report anterior to his, and which he was sent to review, so far as you know?

Mr. LINNEN. That was a special agent of the Indian Office by the name of Thomas Downs.

The CHAIRMAN. The McLaughlin report practically contradicts Downs's report, doesn't it?

Mr. LINNEN. It would appear so, Mr. Chairman.

The CHAIRMAN. Is Downs still in the service?

Mr. LINNEN. No, sir; I do not believe he has been for a couple of years.

The CHAIRMAN. Do you know where he is and what he is doing?

Mr. LINNEN. I think his home is in Indiana. I think he performed his last service with me some two years ago, in Oklahoma, and he was taken sick and went home, and resigned.

The CHAIRMAN. He left the service voluntarily?

Mr. LINNEN. Yes, sir.

Mr. O'BRIEN. In connection with our statement regarding the McLaughlin report, I wish to call attention to the statement of what we expected to prove, in connection with that report; that is, that portions of it were grossly false. Mr. Chairman, I desire to offer in evidence a copy of the order of C. F. Larrabee, Acting Commissioner of Indian Affairs, dated October 31, 1905, a copy of which was furnished the Attorney General by the Acting Secretary of the Interior, at the request of the Department of Justice.

The CHAIRMAN. How soon after the McLaughlin report was this?

Mr. O'BRIEN. The McLaughlin report, as I recollect, was dated October 6, 1905. The order is dated October 31, 1905.

The CHAIRMAN. Within the month?

Mr. O'BRIEN. Within the month, yes.

Rev. DUANE F. PORTER, sworn by the chairman, testified as follows:

Examined by the CHAIRMAN:

Q. Give the reporter your full name, please.—A. Duane F. Porter.

Q. Where do you live, Mr. Porter?—A. I live at Duane post office, north of the agency about 30 miles.

Q. In what county?—A. Mahnomen County.

Q. Is the town in which you live on the railroad?—A. No; I live east of the railroad, about 17 miles east of Mahnomen.

Q. How long have you lived in your neighborhood?—A. I have lived there about 12 years.

Q. Where did you live before that, Mr. Porter?—A. I lived in Pine County, Pine City.

Q. How far away from your present home?—A. Now, it is about 200 miles.

Q. Are you a clergyman?—A. Yes, sir.

Q. Of what denomination?—A. Methodist Episcopal Church.

Q. How long have you been a minister of that church?—A. About 26 years.

Q. Are you in active service now?—A. Yes, sir.

Q. At the town where you live?—A. Yes, sir; Duane.

Q. Have you any other appointments than that?—A. No; I have not just at present.

Q. What is your nationality or race?—A. I am mixed blood, Chippewa; half-breed, you might call it.

Q. Part Indian and part white?—A. Part Indian and part white.

Q. Have you ever lived on the White Earth Reservation?—A. Well, I never lived here before—before I came here 12 years ago.

Q. You are an allottee, are you?—A. Yes, sir.

Q. How many allotments have you received?—A. I received two allotments.

Q. Eighty acres each?—A. Yes, sir.

Q. Whereabouts on the reservation are these allotments, do you know?—A. My allotment is alloted on the E. ½ of the SE. ¼ of section 32, township 146, range 40.

Q. Are your allotments all together or——A. No; that is the original allotment there, and I have one at 146–38, section 17.

Q. Did you choose those yourself?—A. I did.

Q. Did you go over the ground before making your choice so that you knew just what you were getting?—A. Yes, sir; I did.

Q. Did you get just what you wanted, what you chose?—A. Well, I didn't in the additional allotment. I did in the original allotment. I went over the lands, looked it over, and it suited me all right, but the additional allotment I didn't get as I wanted, but I took the best I could get at that time.

Q. Did you ever live on either of your allotments?—A. Yes; on the original allotment I have.

Q. What was it, prairie or timber land?—A. It is prairie.

Q. Is it improved?—A. Yes; about 40 acres.

Q. Is there a home on it?—A. No.

Q. Is it in use now?—A. No.

Q. Entirely unoccupied, is it; nobody is farming it?—A. No; nobody is on it.

Q. The other allotment, what is it, timber or prairie?—A. It is prairie and some timber; that is, the original allotment.

Q. That is the one that you say did not suit you so well?—A. Yes.

Q. Are you now in the Government service?—A. Yes, sir; I am.

Q. In what capacity—in what service are you for the Government?—A. Well, I have been building houses for the Mille Lacs removals; that is about the work I have been doing.

Q. In the service you were rendering who was your immediate superior?—A. Mr. Howard, the Indian agent at the reservation.

Q. How long have you been in the Government service in any way?—A. I think about seven years, I am not just sure; somewhere along there, about seven years.

Q. Have you ever received any profit or earnings from your allotments except when you lived on the first allotment?—A. Well, I did when I first lived on it. I received some, but I have sold that allotment.

Q. The prairie or the first one?—A. Yes; the first one.

Q. What did you get for it?—A. I got $800 for it.

Q. For the 80 acres?—A. Yes, sir.

Q. When did you sell it?—A. About three years ago.

Q. Are you fairly familiar with the price at which land sells up there?—A. Yes; I am.

Q. Was that a fair price for it at that time?—A. Well, yes; that was a pretty fair price for it, the distance from the railroad at that time. At that time I think it was a pretty fair price that I got for it.

Q. How was it with reference to other allotments of prairie land around there, about an average?—A. Of course, the nearer you get to the railroad the more valuable——

Q. How far was this from the railroad?—A. Seventeen miles.

Q. If it were farther away, but equally good land, would that reduce the value of it?—A. Yes; that would reduce the value of it.

Q. What do you think it would have been worth had it been 20 miles away from the railroad?—A. Oh, I think anywhere about $6 or $8 an acre.

Q. In your judgment, how rapidly would it have increased by being nearer the railroad; suppose it had been 5 or 10 miles away, and the same character of land in other respects?—A. That would be worth a good deal more.

Q. How much more?—A. It would be worth at that time about $10 an acre.

Q. Well, you got $10 for it?—A. The forty—an acre, I mean—about $10 an acre.

Q. You got $10 where it was; that was about 16 or 17 miles out; and if it had been only 10 miles from the railroad, would it have been worth any more?—A. It would have been worth more.

Q. How much more?—A. About $12 or $13 an acre.

Q. Well, would land in that neighborhood, sold at less than $10 an acre at that time, be much less than its fair value?—A. Less than $10.

Q. If it sold for less than $10, would that be too cheap?—A. Well, I should say it would be too cheap—that kind of land, nice land, prairie land.

Q. Are you familiar with the price or value of the land in that neighborhood now?—A. Well, yes; there hasn't been any sold there for the last couple of years.

Q. Well, do you know in any way, from general understanding or otherwise, has the land in that neighborhood increased since you sold?—A. Why, yes.

Q. What value do you place on your timber or other allotment—the one you still own?—A. Well, that is worth about $6 an acre; $8 an acre now where it is. It is a timber claim.

Mr. BURCH. Won't you come and point out that additional allotment on the map—its location on that map—if you can show the chairman where it is?

Witness indicates on the map.

The CHAIRMAN. Will you please point out the village of White Earth on the map—within a mile or two of it?

Witness indicates on the map.

Mr. GEORGE. Where was that original holding, Mr. Porter; where was your first allotment?

The WITNESS (indicating). On this quarter east, the southeast quarter.

Mr. GEORGE. And the other, the second eighty?

The WITNESS. It is in the other town.

Q. How large a congregation have you?—A. We have 154 members.

Q. Does that include any white persons?—A. No white persons; no, there is none; mixed bloods.

Q. Are there two churches in your town, in the village in which you live?—A. Yes.

Q. Your congregation is Indians and mixed bloods?—A. Full bloods and mixed bloods.

Q. Is there a school in connection with the church?—A. Yes, sir; there is a day school there.

Q. Is that a Government school?—A. Government school; yes, sir.

Q. Are you connected with it?—A. Well, yes; I am there about once a week.

Q. How many teachers employed in connection with the school?—A. There are two teachers now.

Q. Are they of Indian blood?—A. They are white—the teachers.

Q. The Government furnishes the teachers?—A. They have divided the school. They have a district school now, so they have a Government school in one room and the other in the other room.

Q. By district school you mean the one supported by taxation there?—A. Yes.

Q. And the Government, of course, does not furnish the teacher for the district school?—A. No.

Q. Do the children who come to school there live in their homes, or are there some homes in connection with the school?—A. They live at home and have their dinners at the school.

Q. Furnished them?—A. Yes; that is, the——

Q. Are there any children of 10 or 12, you know of, who can not read and write up there?—A. No; I don't know of any. Anybody that I think of can read and write at that age.

Q. Any Indian or mixed-blood children who don't go to school?—A. In that neighborhood they all go to school there.

Q. What is done at the school, in the way of teaching them to be industrious? Do they do any work of any kind?—A. Yes.

Q. What do they do?—A. They make the boys cut wood and do work on the farm, raise vegetables through the summer and gardening.

Q. Is the work they do on the farm at home in any way under the supervision of the teachers?—A. Yes; under the supervision of the teachers.

Q. Is the teacher a gentleman or a lady?—A. It is a gentleman.

Q. Does he go out to the homes of the children to see the work they do?—A. Yes; he does once in a while, not regularly, but once in a while; this teacher that they have now. We have had three teachers there. The other teachers visited the people right along, but this one does not visit so much as the others did.

Q. Which do you think the better plan, to visit or not to visit?—A. Well, I think it is to visit.

Q. How many children attend the school?—A. I think there is about 40 there now.

Q. At what age do they begin going to school?—A. About 5 or 6; I think 5.

Q. How long do they continue going?—A. They go there until they get to the sixth grade, or about there, and then they take them to the boarding school—off.

Q. Of course all the instructions are in English?—A. Yes, sir; all in English.

Q. Are there any of the children who have to learn English after they go to school?—A. Oh, yes; we have several children who have to learn English—the full bloods.

Q. How long does it take them to learn?—A. Three or four years.

Q. They don't make much progress until they have learned a little English?—A. No.

Q. Do the children sometimes induce their parents to learn and speak English?—A. Yes, they do; those that can speak English generally speak English to their children, but the most people there in that neighborhood talk Chippewa.

Q. What do the children talk in the homes after they learn English at school?—A. They talk Chippewa mostly, because their parents talk Chippewa, you know.

Q. Can't you induce your people to encourage the children to talk English in the home as well as at the school?—A. Why, yes.

Q. Don't you think it would be a great advantage?—A. Why, yes; that is what they are doing up there.

Q. You are a teacher, too?—A. Those that can talk English, they do that, and I encourage them to.

Q. What language do you preach in?—A. I preach both. If there is any white people comes to the church, I preach in English; if there is no whites come I preach Chippewa.

Q. Well, now, what proportion of your congregation could understand you if you preached in English?—A. Well, if they were all the young men and girls, there would be about one-third; but they are not there. As soon as they get to be 16 or 18 they take them away, so we have a lot of young people away from the village; but there is now over two-thirds that speaks nothing but Chippewa—the full bloods.

Q. Have you observed, Mr. Porter, what becomes of the children who graduate in the local school and go to a boarding school away from White Earth? Have you observed whether they come back to live on the reservation?—A. Well, what I know of the young people going to this boarding school, they come back not knowing much.

Q. Not knowing much?—A. They don't like to work much; but those that are on the reservation they are learned by the parents to work and they are industrious, and they will go on and do the work without grumbling; but those who go off to the boarding schools come back nothing but vagabonds; they don't want to do nothing.

Mr. GEORGE. They work around the house?

The WITNESS. They won't do nothing around the house. Of course there is an exception once in awhile.

Q. What becomes of them?—A. Well, I don't know.

Q. Do they remain on the reservation or do they finally leave?—A. Yes; they remain for awhile and finally go off; most of them go off to the baseball games and other amusements mostly. I don't see none of them take hold of the farms.

Q. Well, Bender, the famous pitcher, is a White Earth Indian, isn't he?—A. Yes.

Q. It paid him to go away?—A. Yes, it did. If they do all like that it would be all right.

Q. You are very proud of him, aren't you?—A. Well, I guess they do.

Q. What is your honest judgment about it? Were it better for those children not to go to the boarding school at all?—A. Well, I should say that is my best judgment. It is a great deal better for the children to stay at home and have the schools on the reservation.

Q. What would you do after they quit going to school; would you keep them right on the reservation?—A. The parents have better control; they could handle them better; they like to work and do something——

Q. Just a question there. Is it for the best interest of the child that the parent, who is not very highly civilized in some instances, should have control of the child? Would it not be better for the child if he broke away and went out among strangers?—A. Yes, if the parents could not talk English, nor didn't learn them to work; if they were lazy; yes, it would be better for the child to go away. But where the parents are industrious, and wants to do something, it is a great deal better for them to stay on the reservation; they learn faster and learn more, but there in our village a great many of those children never went to the boarding school; they are there, and they are industrious; they want to do something for themselves, more so than those others that has been off.

Q. What changes do you think should be made in the dealings with the White Earth people?—A. I think, for one thing, if the Government would take hold and put up some schools, industrial schools, on the reservation, would be the best thing that ever happened; right there on the reservation.

Q. But your thought is that the boys and girls educated there should be kept on the White Earth Reservation all the time?—A. Yes, kept on the reservation, and they would work and learn—they would amount to something.

Q. Do you think of any other changes you think ought to be made in the management of the reservation?—A. Yes, I think there should be.

Q. What else?—A. I think that if the Government would go to work and break up some lands for those Indians and learn them to farm, a great many of the old people would take hold and work for themselves, and could do lots of work in the garden, and it would help the people, but the way they are now they don't do nothing; they don't farm; they are starving now to-day; they have nothing; no gardens at all; if the Government would break up a little land for these people and help them in that way—they have built a good many houses for these Indians, but there is no teams for them to break the land with and they have nothing to do anything with; they are there and got nothing to work with. If they would break up a little land for them, two or three acres even, for the old people, and more for the others men folks—they would stay there and attend to their farms and do something.

Q. What about them having horses and plows and things to do the work?—A. That is what they ought to have. The Indian can not take care of horses and stock like that as well as the whites.

Q. Why can't he?—A. He is not used to it.

Q. Is he lazy?—A. Some of them are; some are industrious, all right.

Q. What suggestion have you to make as to how to cure that disease?—A. That is the only way, I think—to break some land for them and help them in that way. There is a lot of people there to-day 20 or 18 miles from any place, and they have no teams to go to get their supplies with or to haul wood with; they are there barehanded; can't do nothing.

Q. Did they ever have teams?—A. They had some teams there at one time?

Q. How did they lose them?—A. The horses died on them mostly.

Mr. GEORGE. Through disease or neglect?

The WITNESS. They were all bronchos and they never was broke. The Indian he takes his bronchos and hitches them onto a wagon, and to break the bronchos he runs them to death; that is about the way he does.

Mr. GEORGE. Did he break the bronchos or the wagon?

The WITNESS. Ha, ha! He broke the bronchos.

Q. Where did those bronchos come from?—A. Well, they are worse than horses; those that come there isn't for the Indians.

Mr. GEORGE. The Indian naturally knew how to take care of a horse before the white man.

The WITNESS. The Indian likes to take care of a horse all right.

Mr. POWELL. The Sioux did, but not the Chippewa.—A. Well, where I come from, east of here, and different places, I saw the Indians could take care of their horses. I don't know how it happened that these horses died off. I think that is the way—I seen a great many drove them to death to break it. Finally the Government don't issue any more teams for them.

Q. That is probably the best way to break a broncho. Where did you live, Mr. Porter, at your earliest recollection?—A. I was born in Taylors Falls, Minn. My folks moved from there to a place called Pine City now, Pine County, 75 miles north of St. Paul, and I was raised there.

Q. Do you give any special attention to the history of your Indian ancestors?—A. No; I haven't.

Q. You don't know any more about them than the rest of us, do you?—A. No.

Q. Haven't you Indian traditions? Where were you educated?—A. I was not educated. I went to school a couple of months—all the schooling ever I got.

Q. Where?—A. Pine City, Pine County.

Q. Have you been an extensive reader and student?—A. No; I haven't.

Q. Well, you have studied the Scriptures carefully, of course?—A. What I have learned I learned myself by studying the Scriptures.

Q. Are you an ordained minister?—A. Yes.

Q. You have very little instruction except——A. Just what I picked up myself.

Q. We are obliged to you, Mr. Porter, for your information.

Examined by Mr. BURCH:

Q. I desire to turn your attention to the 24th day of April, 1905, when the so-called additional allotments were made at White Earth; where were you living at that time?—A. I was living at Duane.

Q. How much earlier than that date did you get notice that allotments were going to be made? When did you first hear about them?

About how long before?—A. I think it was a month or two, was all. I heard there was going to be allotments.

Q. Did you go there to the agency at White Earth on that occasion?—A. Yes; I did.

Q. How much before that Monday morning did you go? How long were you there before Monday morning?—A. I was there from—I started from Duane Monday morning.

Q. You didn't get there——A. About noon when I got there.

Q. You got to the agency about noon?—A. About noon.

Q. How long did you stay after that?—A. I stayed over night and went away the next day.

Q. Where there many people of the full or mixed blood there when you arrived?—A. Yes; there was a great many people there.

Q. What was the situation they were in, in respect to allotment; were they in line?—A. Yes; when I got there they were in line.

Q. Was there any disturbance at that time, or was everything quiet?—A. Yes; there was disturbance. It begun just about the time I got there.

Q. Now, Mr. Porter, you know more about it than I; you are intelligent; tell these gentlemen all that you can think of that happened within your sight, or your hearing, while you were there. In your own way give them a full account.—A. When I got there I seen a line from the office right down to the road and down the sidewalk—that would be south of the office; that line was all mixed bloods.

Mr. GEORGE. How many?

The WITNESS. Oh, there might have been 150, somewhere along there; there might have been more.

Q. What about the others?—A. Well, right up the hill a little ways there was a group of full bloods holding a little council.

Q. Did you go there?—A. Yes; I went over and listened.

Q. It was a council?—A. Yes; they were having a council just outside.

Q. Tell us what they did and what they said.—A. There were several full bloods objected to allotting that way, to take their allotments, on the ground that the Indians said what I heard, that they don't know anything about the lines, and didn't know anything about the minutes, and they didn't know what to do.

Q. Did any officer of the agency, or other officer, attempt to explain?—A. There was nobody there just then; they were all on the line.

Q. I mean the officers or agent, or anyone, attempt to explain or tell them about what to do or how to do? Did the agent, Mr. Michelet, or any other officer of the agency or of the Government, attempt to tell the full bloods what to do or how to do it?—A. I was going to get there.

Q. All right; excuse me; go ahead.—A. The Indians said that they wasn't going to get fair play; that the mixed bloods would get all the timber, and they wouldn't get any, and that was the reason they hold the council; and then pretty soon some one hollered from the office and said they should form in a line. Well, it was the chief of police came to the fence from out of the office, and hollered to the ones that were in line. He said, "You men break the line and go across the road and make a new line. Then let the Indians make another line on the north side. Let the Indians and half-breeds

come into the office together to file." But the line was never broken, so the Indians they started a line on the north side.

Q. The full-blood Indians?—A. The full-blood Indians. And when they heard the word that the Indian should go in with the half-breeds, two by two, half-breed and full blood; when they heard that they thought there would be some show, so they joined in. So that is the way they went in, two by two; a half-breed would take an Indian by the arm and walk into the office and file. That is the way it went on that day.

Q. Now, listen; so far as you know, did the full bloods have any minutes of the pine, any data, anything to select by? Did they have descriptions of the pine, the full bloods?—A. No, they don't know nothing, and they don't have any minutes. There might have been a few had minutes.

Q. Mr. Porter, at any time before the so-called allotment, was there any measures, that you know of, taken by Agent Michelet, or any official, to place before the Indians any print, or any writing, or by word of mouth, where the pine was, what the estimates were of the different section descriptions of land?—A. I didn't see any.

Q. Did you hear of any such?—A. I didn't hear of any.

Q. Was there any measures that you know of taken to make these Indians intelligent as to their rights; that is, to inform them of their rights to an equal chance in the pine and other land? I mean beforehand.—A. No, I didn't hear anything.

Q. You, yourself, didn't obtain anything of that kind?—A. No, I didn't.

Q. Did you go there prepared with any minutes as to the pine?—A. No, sir; I don't have any minutes.

Q. Did you know of any pine yourself?—A. Yes, I did, because I had been out on the timber and seen the pine.

Q. Of your own knowledge you knew?—A. Yes.

Q. Did you get any of it?—A. No; I got a very little.

Q. Why, somebody else have it? How soon did you get any?—A. Well, I didn't get any land until about a month or two after that.

Q. You didn't stay to complete the drawing?—A. No; I went away the next morning.

Q. What did the full-bloods say after they got out? Did you hear any complaint?—A. Well, it was so long after that that I heard those complaints among the Indians, that they didn't get their share; didn't get any pine.

Q. Did you see, yourself, into the agency what was going on? When they went in could you see inside what was going on?—A. No; I couldn't see from the outside.

Q. Do you know who were in there?—A. No; all I know was Mr. Michelet was in there and Mr. Perrault.

Q. Was that this Joe or James M. Perrault?—A. Joe.

Q. Joe M. Perrault?—A. Yes; and then I think there was two or three clerks in there.

Q. Any of the Beaulieus?—A. No, I didn't see any of them; I see some on the line.

Q. You couldn't see the inside. Well, now, go on and tell what they did while you were there, and what was said, of your own knowledge—I interrupted you.—A. Well, I got disgusted myself and for that reason I went away when I see the way the thing was going

on; that the Indian was not going to get fair play; that the mixed bloods were all going to get the pine, so I didn't bother to get any; I thought I would go home and attend to my business. Yes, I have seen Michelet out of the window; he come out through the window and he grabbed Mush-she-ke-ge-shig and took a little girl and said they should go in two by two and take their land.

Q. You saw that?—A. Yes, I saw that; and then Mrs. Lynch, I think, was the next one and some Indian took her. She took an Indian and went in. That is all I seen of that. That is the way they started, and they kept on going in. I stayed outside and see them going in two by two to get their allotments. The Indians didn't have any minutes; he didn't know nothing what he was going to get.

Q. Did the others get their minutes?—A. Yes, the half-breeds.

Q. Do you know that?—A. Yes; I know that.

Q. State to the committee how you know it.—A. I have seen the minutes in their hands.

Q. You did?—A. There was a few—there was some mixed bloods there selling the minutes. Of course, I didn't see that myself, but I heard so.

Q. State what you heard and who you heard it from, so we can get at it. Who did you hear was selling minutes, Mr. Porter?—A. Why, it slipped my mind. I can not name those who told me. Of course, at that time I didn't pay no attention about it.

Q. Who did you hear was selling the minutes?—A. One of them was Aleck MacKenzie. I understand he was selling minutes; and then others was selling minutes the same way, but of course I didn't inquire and didn't find out who they were.

Q. What kind of papers did they hold in their hands with those minutes? Did they have slips of papers with those minutes?—A. They had them in their pockets with the minutes; such a section and such a town and range.

Q. And the amount of the timber?—A. No; I don't think the amount was on. I didn't see any.

Q. Did you see any of those minutes in the hands of the full bloods? Did any of the full bloods have any such?—A. I didn't see any at all. I didn't see one full blood have any minutes.

Q. Did you see who had furnished them the minutes, whether they had come from an outside source or the agency?—A. Well, Mr. Michelet helped them to get their lands. He pointed out to them where to take their allotments when they came in there. They didn't have any minutes; that is what I heard.

Q. These were the full bloods?—A. Yes, the full bloods.

Q. Did you hear any complaint from those full bloods, afterwards, that they did not get good descriptions?—A. Yes; there was a lot of them said they didn't get good timber; they got a lot of stumps.

Q. These were the same ones that he had pointed out?—A. I don't know which ones he pointed out to at all.

The CHAIRMAN. Have you any personal knowledge about the matter? Did you see yourself that the mixed bloods had the descriptions and the full bloods did not have them?

The WITNESS. Yes, sir; I seen the descriptions that the mixed bloods had, and I didn't see any of the Indians who had any. I asked several if they had any minutes, and they said they didn't have any.

The CHAIRMAN. Where were you?

The WITNESS. Well, I was standing out there; I only stayed a couple of hours; I didn't stay longer.

Q. What effort, if any, did you make to find out whether the full bloods did have or didn't have minutes?—A. Well, I asked several about it, and they said they didn't have no minutes.

Examined by the CHAIRMAN:

Q. From the inquiries you made and from the knowledge that you got there, are you able to say whether the full bloods had minutes or not?—A. Well, the way that I know, those that I spoke to, I asked them for minutes, but they didn't have any.

Q. How many did you speak to?—A. Four or five at that time.

Q. Full bloods?—A. Yes.

Q. And you say you walked along the same place to see if they had minutes? Did you walk along the whole line, or only a part of it? I want to get at the extent of the investigations which you made. A. The line that they formed there——

Q. The full-blood line?—A. Yes; the full-blood line was not very long.

Q. Give us a better idea of how much inquiry you made there; as to whether the full bloods had any descriptions or minutes of the land.—A. Well, I asked, I don't know how many, four or five; they said they didn't have any. That is all I could see.

Examined by Mr. BURCH:

Q. Afterwards did you ask some of them?—A. Well, that has been the general talk all around, that they don't have any minutes at all; that they didn't get the pine that they ought to get.

Mr. GEORGE. What are the minutes like—piece of paper?

The WITNESS. Yes.

Mr. BURCH. About this size [indicating]?

The WITNESS. Yes; some about half size, with the descriptions on them.

Mr. GEORGE. Printed description?

The WITNESS, No; written with pencil.

Q. Where did they get those minutes?—A. They go out themselves and look up the land and take the minutes where the timber stood. When they got to a section they would go in there and look it over and see the timber. All these sections were not all timber; part of it was timber, part hardwood and part prairie land; the timber did not stand all in a solid grove. They had to go in there and run the lines out and get descriptions of land where the timber stood; that is the way they get the timber.

Q. Who would give them the minutes?—A. The mixed bloods themselves got the minutes and went out there. They are capable of running lines and know the section corner when they get to it and pick out the land; but an Indian who don't know anything about a corner he couldn't read the corner, nor the section nor the town; why, the Indian fairly gave up when the rest was up there running out lines.

Q. But the full blood did not know how to get this information?—A. No.

Q. He would be depending on the agency?—A. I suppose. I don't know what they depend on; a great many of them thought it would not be allotted at all—that it was only talk. That was what

I believed at the time; I didn't take any stock in it at the time; I only had three or four days' notice that they were going to allot.

Q. Three or four days?—A. If I had known they were going to allot land I would help the Indian, because I would have gotten them the numbers and given them the numbers; I know a lot of timber there, because Mr. Michelet sent me out to estimate the dead and down timber and I know where it stood. I could help the Indian out a great deal at times; but I didn't have no time at all.

Examined by Mr. BURCH:

Q. You were there; that is, at the very beginning of the actual allotment; they had not begun to allot until about noon?—A. They began to allot about an hour or two after I got there.

Q. And you stayed during the remainder of that day and part of the next day?—A. Yes.

Q. You being a mixed blood,, would not have had a very good place in the line, coming there that late?—A. There was no show. I could see there was no show; if I would join the line I had to go down 200 yards at the end of the line until my number would come in, and I would have to wait a week or two before I would get up to the office; so I went home.

Q. Now, you say that two or three weeks after that you did make application?—A. Yes; it was later than that.

Q. About when did you make your application?—A. I don't think I entered my land until a month or a month and a half later.

Q. How were you able to get the minutes of unplatted land at that late day? How did you get your minutes of the allotment that you finally took? Where did you get it?—A. I went and looked it up.

Q. You mean in the office?—A. No; not in the office.

Q. How many descriptions did you have when you went in to make your application?—A. I had mine and I had my wife's and I had my boy's and my girl's. I had four allotment descriptions I wanted to take.

Q. You had just simply four descriptions?—A. That is all.

Q. How did you know it had not all been taken?—A. Well, I was to the office and seen that it was vacant.

Q. Then you went to the office and found what was yet untaken, and you looked up these descriptions yourself and selected the four?—A. Yes.

Q. Did you get any timber on them?—A. I got a little.

Q. About how much?—A. About 60,000 on my 80.

Q. How many on your wife's?—A. She got about 25,000.

Q. And your son?—A. My son got about 55,000.

Q. And your daughter?—A. She got about twenty-five or thirty thousand.

Q. In the aggregate you got on that half section—approximately a half section, four eighties—you got in the neighborhood of 200,000?—A. Yes; somewhere along there.

Q. How much was there, for instance, on Margaret Lynch's allotment—that little girl that Mush-she-he-gi-shig took in?—A. I never looked over that.

Q. You know she got $19,000 for it?—A. I never looked over the timber. I never been in that place where she took her allotment.

Q. There were descriptions there that sold at very high prices, from $19,000 down?—A. Yes; claims sold there from fifteen, sixteen, eighteen, nineteen.

Q. Did you hear of any such—of these valuable descriptions in the hands of any full-bloods, except that one he calls Wah-we-yea-cumig? Did you hear of any of these big descriptions in the hands of any full-bloods?—A. Yes, I believe there is one—I don't know who—he had a million or two hundred thousand on his land were valuable—that I know of; and that was all.

Q. Did you attend the council? You heard of a council being held by one McLaughlin afterwards?—A. I heard of it.

Q. Did you attend it?—A. No, I didn't.

Q. You were not there?—A. No; I wasn't there.

Q. Did you get any notice?—A. No; I didn't get any notice; I didn't know anything about it; I heard of it after it was over.

Q. You were preaching at that time?—A. Yes, sir.

Q. How many people would you have outside of your church and in your church, around in your vicinity there—about how many?—A. Three hundred; somewhere along there.

Q. Three hundred; and you never heard of this council among the whole 300?—A. No.

Q. This was quite a council, was it not?—A. There was nobody heard of that council at all until afterwards.

Q. Until after it was over?—A. Yes.

Q. Then you had no opportunity to attend it?—A. No, sir.

Q. Did you hear how it resulted?—A. No, I didn't.

Q. You did not?—A. No.

Q. Were you at that time constantly circulating around among your people and acquaintances in such a way that you would have been liable to hear of it?—A. Why, yes.

Q. Have you ever been in any other neighborhood on the reservation there and heard the subject of the notice to attend that council talked about?—A. The McLaughlin?

Q. Yes.—A. No.

Q. You simply know your own locality? Not desiring to have you assume anything, are you considered what might be termed a representative or leading man among your 300 acquaintances there?—A. Yes, I am.

Q. Do you attend, Mr. Porter, the annual White Earth celebrations?—A. Yes, last year.

Q. Do you generally attend?—A. Yes, I do.

Q. Were you there on the 14th of June and following dates last year?—A. Yes, I was there.

By Mr. GEORGE:

Q. What is this celebration—I will leave him to explain how that celebration is held—it is held annually by assistance; that is, moneyed assistance from the Indian office, annually on the 14th of June each year, for the purpose of celebrating the election of the location of the White Earth Reservation, is it not?—A. Yes. I know for the last two years the Government has kept it up; before that I don't know.

Q. Well, they hold it in honor of the establishment of the White Earth Reservation 42 years ago?—A. Yes

Q. Explain to the committee how large a concourse is usually there; how many people?—A. Including everybody?

Q. Yes.—A. Well, there must be three or four thousand.

Q. It lasts several days?—A. Most generally it lasts about four days.

Q. They have speeches?—A. Yes, sir.

Q. Games?—A Yes, sir.

Q. Indian dances?—A. Yes; and other amusements.

Q. The Indian police took charge of it; that is a supervisor to keep order?—A. Yes, they have to keep order most generally; they have a man appointed to take charge of it, but the policeman is put there.

Q. The Indians have a committee of their own in addition to the supervision of the officers? —A. Yes, sir.

Q. They invite their brethren, the Sioux, from the West to come there and join with them?—A. Yes, they do.

Q. And part of their ceremony is the celebration of the peacemaking between the Sioux and Chippewas of the end of their war?—A. Yes.

Q. Do they invite the Sioux to make speeches with them?—A. Yes; they do.

Q. And they go there; a ceremony of peacemaking, burying the hatchet, smoking the pipe of peace every time?—A. Yes.

Q. You were present there last year at that time?—A. Yes; I was.

Q. On the second day of the celebration do you remember of a heated occurrence in the ring, where the dances were held, between some of the Indians? You were present?—A. Yes; I did; I seen that; I was there outside.

Q. Now, Mr. Porter, you know a paper called the Tomahawk?—A. Yes; I do.

Q. Do you ever read it?—A. Yes; I have.

Q. Did you see, prior to that last year's occurrence, for two weeks, a call for the council at White Earth, unsigned but published in that paper? Did you see for two weeks previous to the celebration——

A. Well, I seen it, but I don't remember just how it was.

Q. Did you see the agent's name or anybody's name signed to it?—A. Yes; I seen several names in the paper, but I didn't see the names signed to it.

Q. Now, on the 14th of the month did you hear of any—that is the first day—of any council being held? Did you hear of any council being held there?—A. Any council held there on the 14th? No; there was no council.

Q. Now, on the 15th, the next day, did you hear of any council being held there? —A. No, I didn't hear any.

Q. Did you hear of any attempt being made to hold a council; did you hear there was an attempt made? Were you present to hear?—A. I seen them when they started to go and hold the council.

Q. Describe what you saw, and who you saw go to try to hold the council. —A. Well, I seen Mr. Carl there, and I seen Mr. Beaulieu there, and I seen a man there by the name of Morrison, and then I seen some others, but I can't recollect their names.

Q. About how many?—A. There must have been six or seven started from the ring; inside of the ring where the Indians were dancing.

Q. They came from somewhere else?—A. They came there to the dance.

The CHAIRMAN. I suppose, Mr. Porter—Do you mean Mr. Carl and Mr. Beaulieu who are present here now?

The WITNESS. Yes.

The CHAIRMAN. It seems there are a great many Beaulieus up there?

The WITNESS. They were there that day; they come in there and wanted to hold a council. This Mr. Carl said they had a paper they wanted to read, and so the Indians they listened and said all right; and they read the letter; and then they wanted to hold the council and the Indians would not hear to it; wouldn't have a council; they said it isn't time to hold a council when we are celebrating, and we are going to have our fun. They quarreled a little about it in there, and when they didn't make it a success to hold the council, they started through the ring and said they would hold a council over across the lake at the village.

Q. How many were there in that crowd?—A. Six or seven were over there that I see; there might have been more, I don't know.

Q. Did you hear of it in Beers's blacksmith shop?—A. That is what I heard.

Q. What became of the rest of the Indians?—A. They stayed there and had their fun.

Q. Do the Indians have a ceremony they call "dinning out" or "drumming out" people whom they don't want to hear in the council?—A. Oh, yes; I understand what you mean now. If they don't want to hear the party they generally strike their drum and go right on.

Q. Did they do that then?—A. That is what they did that day.

Q. Is that considered in the Indian council a disgrace?—A. That is what it is.

Q. After that may an Indian presume ever to speak in council again, after he is subjected to that treatment?—A. Well, he shouldn't but he does sometimes in spite of that.

Q. But according to the ethics or the rules of the Indian, a man is not presumed ever to speak again who receives that treatment?—A. Yes.

The CHAIRMAN. What is that?

Mr. BURCH. There are 10 or 12 men sitting around a big bass drum, with sticks making the Indian music; they were at this time, anyhow, and they do generally have such a drum, I believe, at an Indian council, and if one becomes obnoxious or unwelcome or anything of that kind in his remarks this "dinning-out" process is a striking and drumming and drowning of his voice, practically expelling him.

The WITNESS. We used to call it "knocking them out."

Q. And by Indian custom they are not supposed ever, if they are mindful of the customs of the Indian, to lift up their voices again in Indian council?

Mr. GEORGE. It must be humiliating.

The CHAIRMAN. Is that the way you understand the custom, Mr. Porter, as Judge Burch described it?

The WITNESS. Yes, sir.

Q. Now, Mr. Porter, how many Indians were there, probably, in that ring at the time this occurred?—A. Oh, there must have been a

couple of hundred Indians; that is, the dancers; that is, inside the ring; but there was lots of people outside of the ring.

Mr. BEAULIEU. I would like to have Mr. Burch not suggest the questions to the witness. There was no such scene.

Mr. CARL. That is not a word in the Indian language; there is no such thing as "drumming out."

The CHAIRMAN. You will have your chance to show that the testimony is not what it should be, but you must wait your time.

A. I used to be a dancer myself before I became a converted man; I used to dance with the Indians, and if there was a man got up and made any trouble in the ring, or disturbance, the drummers would strike the drum and would not listen to him, as much as to say, it is not worth while to listen to him; they would go right on with the dance and he has to stop. That is customary where I come from.

Q. Now, Mr. Porter, we will proceed: You say two or three hundred were in that ring, of the dancers, and a considerable number outside?—A. Yes; there was a big number outside; whites and mixed bloods.

Q. Did you hear, outside of this bunch of six or seven that you saw, any complaint or dissatisfaction among the other Indians about their expulsion on that occasion? Did anybody else find fault that they were driven out that you heard of?—A. No.

Q. There was no outcry in the defense of these six or seven—Beaulieu, Carl, and the others?—A. No, sir; I didn't hear.

Q. The dance went along the same as it did before?—A. They danced there for a day or two afterwards.

Q. Can you tell us who are the representative men of the White Earth Reservation, in their several different localities wherever they congregated, wherever they come together on the White Earth Reservation? Can you tell the names of representative men there, from your knowledge of the reservation and its affairs?—A. For the whole reservation, the whole tribe?

Q. Yes. Can you give us an idea who are the representative men?—A. Do you mean the full bloods?

Q. No; I mean all. Take the neighborhood, not full bloods or mixed bloods, but the neighborhood, or the congregations around there, and name the representative men of the tribe. For instance, in your own neighborhood of 300 or thereabouts, you consider yourself a representative man?—A. Yes.

Q. Can you go around the Indian schools at Pine Point or any of these other places and tell the committee who are representative men there—the leading men?—A. There are lots try to be leading men on the reservation. I don't know. It is hard to take them.

Q. Well, is there a place called Pine Point?—A. Yes.

Q. Do Indians congregate at Pine Point a good deal?—A. Yes.

Q. Is there a good school there?—A. Yes; there is a Government school there, a church there, a couple of churches there, I guess.

Q. Who are the representative men, the leading men, you might say, around Pine Point, if you know; if you don't, all right?—A. I don't know their names. I know one Indian by the name of Bissette; he is a full blood, supposed to be leading.

Q. Is that Jim Bissette?—A. Yes. There is a little short Indian there; he is a chief; I don't know his name. I can not call his name.

Q. How about Elbow Lake? Do you know about Elbow Lake?—A. Yes.

Q. That is a congregating point?—A. Yes.

Q. Who are the leading men at Elbow Lake?—A. There is one there—just that one chief.

Q. What is his name?—A. Wah-we-yea-cumig.

Q. Is that the Mille Lacs man?—A. That is the Mille Lacs man.

Q. How about Beaulie? Is there a congregation there?—A. Yes.

Q. And who are the leading, representative men there?—A. The men that I know that is leading, looked upon as leading—there is Mush-she-ke-ge-shig, and Shegan, and another chief by the name of Pe-dos-e-gay, and another one—I can't think of his name now. He is an Indian full blood.

Q. Well, now, have you ever known, during your time on this reservation, of a regular Indian council, on that whole reservation, called by the Indian superintendent, and attended by the representative men, or principal voters, in council? Have you ever known of such a thing since you have been there?—A. I have never known one; that is, let me see, I believe Mr. Howard did call a council there one time. I think he did. I think he did call a council—a regular council. And I think they held that council at Pine Point, but the Indians did not get all together; that is, the majority of the Indians did not get all together, but I have never known any other council there on the reservation, where the Indians would get all together to call it a general council. I never did.

Q. Do you know Gus H. Beaulieu and John Carl?—A. Yes, I do.

Q. Did you ever hear that they were named as representatives of the White Earth Indians; that is, before this time?—A. In the Indian tribe?

Q. Yes.—A. No, sir; I never did.

Q. From what you know, and according to your best judgment, do you think they could be named as such by the Indians in general council?—A. No, sir; I don't think so, what I know of them. I know I would not.

Q. Do you know that they have had a certain number of people within their call around about White Earth for some time past?—A. Yes——

Q. About how many persons would you think that would embrace—the number that they associate with or represent?—A. The number they associate with is about, maybe fifteen or twenty outside.

Q. Have you ever known of their assuming to act in Washington and elsewhere as representatives of the tribe?—A. Not by the Indians.

Q. You have heard of their assuming?—A. I have heard that they are acting that; yes.

Q. That they purported to hold councils. Have you heard that they claimed to have held councils, and been elected to represent the tribe, etc.?—A. Yes, I heard that, but the majority of the Indians on the reservation don't know anything about it.

Q. Do you know, Mr. Porter, whether or not the Indian agent, Simon Michelet, at that time had, at the time of this additional allotment, full estimates of the pine on the reservation? Made at the expense of the Government? Do you know whether he did or not?—A. I don't know.

Q. You got estimates there two or three weeks later, didn't you?—A. What is that?

Q. Didn't you get estimates on these descriptions there two or three weeks later, or whenever you took your allorment?—A. No, no; I didn't. I didn't say that. I called there and found the land was taken, and I took the land and estimated the timber myself.

Q. Did you ever hear on the reservation—that is, had you ever heard, up to the time of the additional allotment of Easter Monday, 1905, that the Government had full estimates of this pine in the office, in the hands of Mr. Michelet, prepared at Government expense? Did you hear that? Did you know it was there?—A. No, sir; I did not.

Q. Did you ever hear any other Indians say that such was the fact?—A. No, sir.

Q. Do you think the Indians knew of any such thing?—A. I don't think they did. That is the first I heard of it. I never heard anything of it.

Q. This is the first you knew of it?—A. Yes.

Examined by Mr. GEORGE.

Q. Did the Indians want pine lands?—A. Why, yes; they did at that time; they wanted pine.

Q. Well, if there was to be a distribution of this land, why didn't they make some preparation to get pine land?—A. Well, I don't know. Of course there was a good many like me; they didn't think about it; didn't think it was coming.

Q. They didn't believe there was to be any such allotment?—A. No; they didn't know. I never heard anything about it among the Indians.

Q. Didn't the agent tell the Indians?—A. I didn't know until along pretty late. I think the agent, of course, must have told the Indians they were going to be allotted, all right.

Q. But he didn't help them to any information about the pine lands?—A. Well, no, I don't think he did, only as I said, he allotted them when they came in the office.

Q. And they felt that the lands they got were not pine lands?—A. That is what they said afterwards. Of course Mr. Michelet was in the office; he never been out to see the timber; he didn't know—he knowed where the timber was in the township, but he didn't know just what description the timber stood on, what section—I say, Mr. Michelet, when he allotted those Indians, he never been out there to run the lines out, to look where this timber was that he was going to give the Indians. It was all guesswork; it is like me sitting here, a lot of timber out there in five or six townships, and guess at this timber there; somebody has told me there is some timber there, and I sit here and tell anybody: "Here, you take this pine; this is pine." It might be somewheres without a stick of pine on it. That is the way it went.

Q. That is your view of the matter?—A. Yes; I never knew Michelet to estimate the timber or the land, or even where the timber stood, unless he got the information from some one else.

Q. You think he had no information?—A. I don't know. I can [illegible] say.

[illegible] And the Indians didn't know of any information that he had?—[illegible]No. Well, all they knowed, they told me. They said, when they [illegible] in the office without any minutes, Michelet says, "I will locate

you. I will give you this piece. This is all right." The Indian said, "All right." He take his word for it.

Q. Took his word?—A. Yes.

Q. He put them down for certain land, and said it was all right?—A. Yes.

Q. And had pine on it?—A. Yes.

Q. And it was not until afterwards that they discovered that there was no pine, or only a little pine on it?—A. No pine on it. Some of them got some. They managed to get the chiefs some. The chiefs got some all right.

Q. And the half breeds got theirs in the same way?—A. They got the cream of the pine. That is all.

Q. And they got pine on their lands, did they?—A. Yes.

Q. And Mr. Michelet gave them their land in the same way?—A. No; they had the minutes; the half breeds did. They had the timber all looked up, and knew where the timber stood, every stick of it; they presented their minutes there. Of course they had vacant land, and they allotted them.

Mr. BURCH. In this connection, we expect to show that Mr. Michelet had full estimates, prepared by the Government, at this time.

Examined by the CHAIRMAN:

Q. Mr. Porter, how did those who had the minutes or descriptions of the land get those minutes?—A. They were out there; went out there and run the lines out; there were several parties there; I was out there afterwards and see the lines run on the section lines.

Q. What was left there, that you could see; how were the lines run so you could tell?—A. The brush would be cut along the line, and a spot once in awhile on the tree on the old section lines.

Q. Were there any marks on the trees, or anything nailed to the trees, to indicate what sections and what portions of the section a particular tract was?—A. No; I didn't see any of them; but they had the section corners.

Q. Do you know who run the lines?—A. Well, I was not there to see them, or look who they were.

Q. When you located your land, how did you make the minutes of the particular land it was?—A. Well I went there and found a section corner, and I run the line so far——

Q. What was there at that corner to tell you what section it was? A. I struck that corner, section 18 and section 17.

Q. Was "18" and "17" on the posts at the corner?—A. Yes; on the northwest there was "17" and on the northeast "18"; yes. I struck that corner, and then I run down the line south so many degrees; then I picked out my minutes, put it on a piece of paper—whatever it was——

Q. From the post at the section corner you followed the trail or line southward?—A. Yes.

Q. Now, from that corner to the next section corner, would there be any posts with description on them?—A. Why, there would be; we would find them if they don't burn down: one-sixteenth stakes—80 rods from the corner—that would be standing there with the degrees on.

Q. Those stakes have the descriptions on them?—A. Yes; it was subdivided by the surveyors, you know.

Q. An Indian who could read figures and letters could go along there and find the description, the township, section, and subdivision of a section down to 80-acre tracts?—A. Yes; there was trees on the corner with the figures—four of them.

Q. Could the full-blood Indians get that information from the stakes on the corners?—A. No; they don't know anything about it.

Q. Do you know what the probable cost would be of getting some one who would be expert in the matter to go with them and get it for them?—A. It was according to how much he would get; how much land he was going to look up.

Q. How much for each eighty would it probably be—for an 80-acre tract, one allotment?—A. Just like a man go out in the morning with a team, drive out there 8 or 10 miles. They make the field notes from the field; you strike a corner and find that eighty all right; you do it maybe in an hour, and then again it may take two days and not find out.

Q. In order to pick out the particular eighty you wanted you would have to look up nearly every eighty so as to make your selection?—A. No; only corners; corners is enough if a man is capable of learning the business; they have a section corner with figures on it that way, so you know what town and section, and run out your eighty.

Q. You don't understand. The first thing was to find out the 80-acre tract that had good timber on it?—A. Yes.

Q. Now, if you wanted to get the 80 that had the best timber, you would have to look up all the eighties?—A. You would have to look it up and you would have to estimate it.

Q. Was it a difficult matter to judge which 80 had the best timber on it? Could not any ordinary full blood do that?—A. Well, yes; I think the full bloods would know that; when they come to an 80 with a little timber and the next 80 with a whole lot, an Indian would know them.

Q. Then he could locate the particular piece of ground, but he would have to get some one to tell him what particular piece it was?—A. He could get a man to run it out for him.

Q. Do I understand you to say that a number of others had no actual notice that this allotment was about to be made?—A. Well, out in Duane, we didn't; at my village.

Q. When did you first learn it was to be done—I don't mean by rumor, but I mean when did you get official information that it was to be done?—A. Well, it was along two or three months I hear that they were going to allot lands; maybe longer than that. Then we never heard nothing of it again until about a week or two before they allotted; then we hear up there that they were going to allot—at Duane.

Q. Do you know yet whether any notice had been published in any way?—A. I didn't see any.

Q. Do you get a newspaper?—A. Why, no I don't get a newspaper; I get the Christian Advocate mostly; I don't get any paper.

Q. Well, of course, the Christian Advocate would have no information about the allotment?—A. No.

Q. Did you get any mail through the post office, giving you that information about the allotment?—A. No, I didn't; I didn't get any mail at all.

Q. How do you get the mail?—A. Well, I get my mail at the post office at Duane; I call for it, and I send my boy over to get my mail.

Q. Did you at any time know of any notice being posted on the wall in the post office, or on the wall of any building in the village, or at crossroads, or any place?—A. No, I didn't see any.

Q. Are you prepared to say whether, in fact, there was any notice published of the allotment?—A. I couldn't say; I couldn't say.

Q. That is, as far as you go you don't know whether there was or not?—A. No, I don't.

Q. Now, Mr. Porter, your testimony gives me the impression that you think the full bloods didn't have a fair chance?—A. No, they didn't.

Q. Yet I confess your statement has not made clear to me how they didn't have a fair chance. Will you make that plain?—A. Well, for the simple reason is this: Just because there was nobody to lead them out; get their lands for them; run their lines; pick out the timber for them. There was nobody to take hold and lead them, and the Indian don't know nothing about a section corner. How can he pick out his timber when there is a whole lot of sharks picking out the best timber they allot? A poor Indian on the White Earth Reservation—he is not out anywhere; there he stays; there he is barehanded. Where is he going to get his timber? Who is going to tell him where the timber is?

Q. Well, you know, I can see two ways whereby the Indian might get the worst of it. One might be called a "negative" way—that is, one who has it in charge, knowing that the Indian did not know, might just let him alone, not help him, and he would naturally get the worst of it in that way. Do you understand me?—A. Yes.

Q. The other is that they might do something; take some affirmative action toward putting him in a worse position. You understand me?—A. Yes.

Q. From all you say, you think he got the worst of the bargain in the first way, by just letting him alone, depending on his ignorance rather than by taking any affirmative action; nothing actually done to keep him from getting a fair show?—A. Well, of course there was just a show for him, I suppose, to get the timber if he would go to work and hire a surveyor and send him out there and get his numbers for him. He could have done that; but for him, himself, to go out and do it, it wouldn't do. He would get lost out there. He wouldn't know nothing about it. He couldn't do it that way.

Q. That part of it you have made plain, but my last question was, do you know or do you recollect anything that was done there at the agency during that drawing or that allotting to keep him from getting even a lottery chance for a good allotment? If he had a fair shake there and was given his turn, he might by accident draw a good allotment, might he not?—A. Yes; he might in that way.

Q. When he did not know the description of the land and went in there to get his allotment, and had his allotment chosen for him; for instance, the south half of the southwest quarter of section 15, township so-and-so, range so-and-so, was assigned to some particular full-blood Indian; who did that?—A. Well, I told here in my—I told that—that what I was told by the Indians; when they went in the office Mr. Michelet asked them if they had minutes; they said no. Then Michelet would take up a piece for the Indian and give him a piece of land—allot him——

Q. Have you any knowledge of the kind of land that was picked for them in any particular case?—A. Well, I don't know where Mr. Michelet could get his knowledge and knew where the timber was; the exact spot where it stood—the eighty—when he wasn't there.

Q. That is not my question. Do you know of any Indian for whom Mr. Michelet made a selection?—A. I don't know their names, but I can get their names. Of course I never thought anything about it; I have just went right along about my business; I don't think of the men's names—I don't care about it now—I just come here right now and you asked me and I can't recall.

Q. Well, think of it now; begin thinking of it; and can you give us the name of some Indian for whom Michelet made a selection and the selection afterwards turned out to be a poor one; not only give us one name, but as many as you can?—A. One of them was Pin-de-ga-ge-shig; he told me that all he got was stumps.

Q. Cut-over land?—A. Yes: Pin-de-ga-ge-shig was one of them that said he——

Q. Wouldn't it be easy to find some one who knew where the Pin-de-ga-ge-shig allotment was?—A. Why, yes.

Q. And whether, as a matter of fact, it was cut-over land?—A. Yes; it was cut-over land.

Q. Couldn't we get hold of some one who knew about it?—A. Not just now.

Q. Did you see the land afterwards?—A. No; I haven't been there at all.

Q. You stated to Judge Burch that you could not understand how Mr. Michelet would be able to pick out allotments because you thought he had never been out on the ground?—A. Yes; unless he got information from some of the explorers.

A. Didn't you know that the ground had been explored and that it was explored by persons who were under his control?—A. Under his control?

Q. Yes: that he was the Indian agent there, and that persons who were working for him had gone out on the ground and explored it?—A. I was working for him, and he could have sent me out at that time, if he wanted to, but I don't know of any man that he had there that could look up the land and survey it at that time, unless he came from Washington.

Q. You say now, do you, he could have knowledge at that time about the character of the land?—A. As I say, he could have knowledge if he has his information from his explorers; in that way he would know where the timber stood, and the 80.

Q. You don't know whether he had such knowledge or not?—A. No; I don't.

Q. With reference to the mixed bloods, Mr. Porter, there is a great difference in mixed bloods, is there not?—A. Yes; there is.

Q. Some are almost white?—A. Yes.

Q. And some are much more Indian than white, almost Indian?—A. Yes.

Q. Now, do you make any distinction between those extremes in that class of mixed bloods; were they all treated alike in the allotting, or was there a difference according to the amount of white blood there was in them?—A. No; I don't know how that went, whether there was or not.

Q. Did you see anything at the allotting that struck you at the time as being favoritism?—A. Well, if I had been at the office I would have known more about it; I wasn't in the office; I was outside.

Q. Was that a fact that some of the allottees had minutes there and others had not simply meant that some took care in advance to get the minutes and the others did not get them?—A. Yes; that is the way it was.

Q. Did the Indian agent there furnish the minutes to anyone, so far as you know?—A. I don't know about that.

Q. I want to ask you something about this annual celebration, Mr. Porter. How old is that custom?—A. Somewhere along about 40 years old.

Q. It began soon after you came on the reservation?—A. It was there long before I got there.

Q. I mean before your people came on the reservation?—A. Yes; they appointed a day for that purpose.

Q. Has it been continued ever since?—A. Yes; every year.

Q. Is it on a fixed day?—A. Yes.

Q. What day?—A. Fourteenth of June.

Q. How is the celebration managed, by a committee?—A. Yes; by a committee.

Q. Who picks it?—A. Well, they appoint men there.

Q. Who appoints men?—A. The chief and the people on White Earth appoint the men.

Mr. GEORGE. The Indians themselves?

The WITNESS. Yes; they did this year; before I never noticed much who did appoint them.

Q. Did you attend all those meetings for several years past?—A. I think I have been there 12 years; out of 12 I guess I have been there 10 times.

Q. Before the Government allowed a lump sum of money how was the necessary expense money raised?—A. They used to make a collection from the people; people used to put in so much each for that purpose on that day.

Q. Has it been a custom to hold a general council of all the bands that way?—A. No council on those six days while they are there—when they are celebrating—no general council.

Q. Has there ever been that you know of?—A. I have never seen any since I have been there.

Q. What is the principal way, or the customary way, of calling a council?—A. Well, most generally the chiefs get together and if they have any business they want to talk about or want to settle, they generally come to the agent and ask him to call a council; that has been the general way; that is where I come from; that is what we used to do over there in Wisconsin, but here on the White Earth, I don't know the way they carry it on; I don't really know just how.

Q. How many different bands of Indians are on the White Earth Reservation?—A. I don't know, I couldn't tell you; there is quite a number.

Q. Do you know of any meeting or council of all those bands of Indians?—A. No, sir.

Q. When they do hold council meetings, are those council meetings held by a single band or by a number of bands, or how are they—what is a council meeting?—A. A council meeting is for the Indians that belong on the reservation to get together and settle all the matters of business they have in Washington; that is what they do it for—but they never—I have never seen any council that they have come together in that way since I have been on the reservation. When they have a council it would be a little handful of them and the balance of the Indians don't know anything about it; that is the way it has been most of the time.

Q. If there were a council of all the White Earth Indians, about how many persons would have the right to sit in it?—A. Well, just as many as comes have a right.

Q. Have the women right to sit in the council?—A. No; the men holds the council.

Q. Have the children?—A. No; just the men holds the council.

Q. Where is the dividing line between the children and the men—what age? How would you tell whether a boy is half grown or full grown; how would you tell whether he had a right to sit in the council?—A. He has to be full grown in order to be in the council.

Q. So that every full-grown man on the reservation would have a right to sit there and take part in the council proceedings?—A. Yes: to hear what is going on.

Q. How many men did that make; how many persons in the council?—A. From 100 to 200 or 300, along there. There might be quite a lot here if they could get together and have a council, if they want a regular general council; there could be 500 or 600 anyway, full bloods.

Q. Could there be a council without any action on the part of the agent; could there be a regular council without the agent's interference?—A. I don't know; I don't think it.

Q. Who out there on the reservation, in your judgment, would be the best judge of those matters? Who would be considered the best authority as to whether a particular gathering was a council or was not a council?—A. Well, we have men there that we look upon for the councils, if they want to look after their business. There is that Charles Wright, Rev. Wright; Mush-she-ke-ge-shig, and several other chiefs.

Q. Name them.—A. Mi-e-nos Little Wolf, and Mush-she-ke-ge-shig——

Mr. GEORGE. What is his English name?

The WITNESS. I don't know. Going Sky, he has a different name, I never heard his name; and Pe-dos-e-gay—well, there is several of those chiefs that I don't know the names—I can't name them.

Q. Very well; you have given us quite a few.—A. How long does this celebration last generally?—A. It generally lasts about a week—four days to a week.

Q. What is the order there?—A. Just the celebration itself lasts about a day, and then the Indians go on with their dance for two or three days.

Q. Are the proceedings orderly?—A. Yes.

Q. Do you ever, or often, have disorder or trouble on those occasions?—A. There?

Q. Yes.—A. Yes; that is on account of liquor; if they have too much liquor there would be a little trouble, but generally the policeman quiets them down.

Mr. BURCH. The most orderly I have ever seen with so large a body.

Q. I want you to tell me more fully, Mr. Porter, about the council meetings you speak of that are held during this celebration. Is there a building where the annual celebration is held for meeting purposes?—A. No, not out on the ground; they have a place built every year where they sit.

Q. Sort of a pavilion?—A. Yes.

Q. Well, was it in that building that what you call a "pretended council" was held?—A. No.

Q. Where was that meeting?—A. Well, the meeting I heard they held a council.

Q. Do you mean a council?—A. Yes; they held a council over there in the blacksmith shop, right in the village.

Q. How far was it from the place where the pavilion and the celebration were?—A. It would be about half a mile around the lake.

Q. Was any part of that celebration held in the village; was there anything going on in the village?—A. Well, the day they had the celebration they marched around through the streets the first day—the opening.

Q. On the way out to the picnic grounds?—A. Yes; they have a parade in the morning and then the Sioux and the Indians and the Chippewas they meet, you know.

Q. You have told us about that.—A. Then they go up to the grounds, after they get through with their parade, and then the speaking takes place.

Q. What did that celebrate; was it this council that was supposed to be held?—A. That was on the third day; the second day, I guess, after they started; I have forgot just what day that was.

Q. Did you have notice of the meeting?—A. No.

Q. When did you first learn, after that, that there had been a meeting or council?—A. Well, they started from the ring where they were dancing and said they were going to hold a council over to the village. They went over there, a few went over there, and that evening I heard that they had a council there, and there were a few there.

Q. Were you invited to it?—A. No; I wasn't invited to it.

Q. Do you know anybody who was invited to it?—A. No; I don't know. That is, that invitation they got when they started out; that is all. They said they were going over to hold a council over to the village. They said, "Come on over; we are going to have a council"; and there was just seven or eight went over there. The balance didn't go; they stayed there.

Q. Someone told you they said that?—A. Well, I heard them; I was there.

Q. Whom did you hear say it?—A. I have forgotten now just who it was.

Q. When you say "they did that" whom do you mean?—A. It was the party that went over there.

Q. Who were they; give us their names?—A. Mr. Beaulieu and Mr. Carl and Pin-de-gay, Shady, Mush-she-ke-ge-shig, and two or three more, I don't know. George Perry, I think, was one of them.

Q. Did all those who went over to the council meeting agree about things generally or were there some who didn't agree with the others?—A. I don't know what kind of a council they did hold.

Q. Have you heard even as to whether every one there agreed about what was done?—A. No; I don't.

The CHAIRMAN. I suppose you will go into that matter further?

Mr. BURCH. The general proposition is that we wish to throw all the light possible upon this matter to show the general trend of events for the enlightenment of the committee.

The CHAIRMAN. My understanding is now that there are two bills already pending in Congress to pay the expenses which accrued out of that same council.

Mr. BURCH. Very well, if the committee will indicate any line of inquiries that they wish us to make or investigate before the committee closes its hearing we shall be most happy. We had no particular point except the general enlightenment of the committee, to show who were representative and who were not.

The CHAIRMAN. It is the intimation also that money has been paid out to cover the expenses of delegations to Washington which it is claimed were not the duly chosen representatives of the Indians.

Mr. BURCH. Yes; it is.

Mr. GEORGE. Can we have that information?

Mr. BURCH. There were two delegations; for one the money was furnished by the commissioner, and for the other delegation, representing, I think, Beaulieu and some others, the expenses were paid by an appropriation of Congress.

The CHAIRMAN. Of course in that event we would have nothing to do with it, but in the other event—when the commissioner pays out money he ought to be reasonably careful to know that it is paid out properly. If Congress orders it thrown in the lake, that is none of our business.

Mr. BURCH. Very well, I will introduce the commissioner himself, or the gentlemen, Mr. Hinton and Mr. Long, who had to do with the delegation and who would naturally know about it, at the proper time; I can not do it here; I will try to bear it in mind and have the commissioner explain himself and what his motive was.

The CHAIRMAN. We could, however, to advantage, inquire here as to the fact concerning the authority of these different delegations to go there at the expense of the Indians.

Mr. BURCH. At a later date I will introduce a witness who will show how that delegation was paid by the Interior Department, through the Commissioner of Indian Affairs, what constituted it, how it came about, and what they did.

The CHAIRMAN. That would be material.

Mr. BURCH. We have two witnesses, one Mr. Hinton and one Frank Long; one a special agent of the Interior Bureau and the other one of our attorneys who had knowledge of the matter with the commissioner. I never had any; I was not present and knew nothing about it, but later I will take pleasure in furnishing the details by sworn testimony, so far as I can do it at this end. Mr. Valentine may have

had his own reasons, the Commissioner of Indian Affairs at Washington.

The CHAIRMAN. From our point of view it would seem, however, that it would be wise, if not necessary, that there should be some established way by which the Indian Office would know whether certain persons really represented the Indians at the reservation or not. They might be able to tell us something that would help the department straighten it out.

Mr. BURCH. We have a witness who will know; he was one of the delegation, and he will probably know many details.

Recess until 2 o'clock.

AFTER RECESS.

DUANE F. PORTER recalled.

Mr. GRAHAM. Are we ready to begin?

Mr. BURCH. I was through with the witness.

Mr. GRAHAM. I have a list of questions submitted by Mr. Beaulieu and Mr. Carl, which I shall ask the witness on their behalf.

Q. Mr. Porter, how long have you been in on the Indian reservation?—A. Somewhere along about seven years.

Q. Does that include your entire Indian service?—A. Indian service, did you say?

Q. In the Indian service of the Government?—A. Six, between seven and eight years. Somewhere along there.

Q. Were you ever in the Government service at any point except White Earth?—A. I have.

Q. Where?—A. At Odanah Reservation, Wis.

Q. What salary do you get?—A. I got $900 there at Odanah, Wis., and I get $800 a year here.

Q. Do you get any other advantage of any kind, any privilege or advantage worth money, other than your salary?—A. Well, all there is is the missionary work. I get a little on that.

Q. How much?—A. $200 a year.

Q. From which funds, if you know, do you get this salary?—A. Of the $200 or the $800?

Q. All of it.—A. All of it?

Q. Yes.—A. The two hundred is from the missionary board of the Methodist Episcopal Church and the other I don't know really just what fund it comes from. I know it's from the Government; the eight hundred.

Q. The $200 a year you get from the missionary board of the Methodist Episcopal Church is not Government money?—A. No, it is not.

Q. How much of your time do you devote to your duties as a Government employee in the Indian service?—A. I spend the whole week in that work each week.

Q. Tell what your duties are.—A. Of the Government work?

Q. Yes, sir.—A. First I used to remove the Indians—Mille Lac Indians from Mille Lac and then I saw to all them after I got them here on the reservation; then I was to haul the lumber for each family, a house and have the house built for the family. That is the work I had to do.

Q. Are you still doing that work?—A. Well, not just now. They stopped building the houses for the Mille Lac—that is, they have not removed any more lately, so I don't do that work of building houses any more this year.

Q. Of course you couldn't do it at this season of the year anyway, could you?—A. I done it before in the winter time and summer time both, but now it is cut off and they haven't built no houses for more than a year; but I have been looking up the swamp lands and reallotting those people that had swamp lands. The State took the swamp land you know and then they had the privilege of taking another 40 or 80, whatever it was. That is the work I have been doing this year.

Q. Is that work finished?—A. Well, it is pretty near. It is pretty near finished. There will be a few more later to be allotted.

Q. Did you do that alone or did you have help?—A. I do it alone.

Q. To whom did you make your reports?—A. To Mr. Howard, the Indian agent.

Q. How many Mille Lac Indians were there who removed to White Earth last year, the year 1911?—A. Last year?

Q. Yes: 1911.—A. I don't know as there was any. I don't remember of any. There might have been a family or two. I am not sure. I don't think there has been any removed.

Q. Well, so far as the building of the houses was concerned, you didn't have much of that to do last year if none moved to the reservation?—A. No. Well, that is what I mean. This last year, 1911, I have been to work at this swamp land.

Q. How many houses, if any, were built for Mille Lac removal Indians during the year 1911?—A. 1911?

Q. Yes.—A. There wasn't any built.

Q. How many allotments did you select or locate after—during the year 1911?—A. How many allotments?

Q. Yes.—A. Well, I don't know. There was something over 100.

Q. What kind of land have been allotted in lieu of the swamp lands? Prairie or timber lands?—A. Well, it's part brush and some timber land and some rolling land.

Q. Do lands on the White Earth Reservation differ as to values?—A. Yes, sir.

Q. What is the difference between the value of timber, hardwood timber, and good clear agricultural land?—A. Well, if you don't include the timber, of course the hardwood timber is worth a good deal, you know. If you sell the hardwood timber with the land, of course that would be worth more; but take the hardwood timber off, just the land, that would be stump land and that would not be worth as much as the prairie land. I don't care to give over $4 an acre for timber stump land.

Mr. GEORGE. Because of the difficulties by stumps?

The WITNESS. Yes, sir.

By Mr. GRAHAM:

Q. Is that cut-over land as good soil as the other?—A. That is, cut-over land—stump land, I call it?

Q. Is the soil as good in it as the prairie soil?—A. Oh, yes; it is just as good, and some of it is not as good.

Q. How are the stumps up there; do they rot out quickly or slowly?—A. According to what kind of timber it is. If oak, it takes a long time; but if poplar, it rots out pretty quick.

Q. What kinds of hardwood grow up there?—A. It is oak, white oak, birch, poplar, some maple, and basswood.

Q. What species of maple?—A. We call it white maple.

Q. Is it sugar maple?—A. Yes; it is sugar maple.

Q. How do those woods range in value as timber?—A. Well——

Q. Which is the most valuable, not including pine?—A. Is this the hardwood? Well, it is according to what quality the timber is. Some of the allotments has very good timber and other allotments has very poor timber.

Q. Yes; but take average timber regardless of allotments. I suppose the white oak is most valuable of the hardwoods?—A. Yes; some is not as good.

Q. What is next in value?—A. Well it is—I don't know just what it would be: somewhere around six or eight hundred and eighty.

Q. That is not the point. What is the next in rank? What is the wood next to white oak?—A. That would be maple.

Q. Hard maple?—A. Yes.

Q. Has the soft maple any merchantable value?—A. There is not any. I have never seen any.

Q. Cottonwood or poppel. Has it much value?—A. No. Basswood is pretty fair.

Q. How many nonreservation schoolboys are there who have graduated from the nonreservation Indian schools?—A. How many?

Q. Yes. How many nonreservation schoolboys were graduated from the nonreservation schools?—A. I couldn't tell you. I have never looked into that.

Q. Could you compare the number of Indian or mixed-blood boys who are at work and who graduated from the nonreservation schools and the reservation schools? In other words, which school has the larger per cent of its boy graduates at work?—A. That I would not know.

Q. You understand the question, do you?—A. Yes.

Q. Do you know of an appropriation made from the Chippewa funds every year by Congress for the past 20 years to be used as a relief fund?—A. No, I don't.

Q. Do you know anything about an annual appropriation made by Congress of $150,000 each year to be used for the relief and assistance of the Indians?—A. No.

Q. Are you prepared to say whether such an appropriation has been made each year?—A. Well, I couldn't say. I couldn't say. I never inquired into that and have never thought about it.

Q. You do know that there is a large White Earth fund in the Treasury at Washington which belongs to the Indians of that reservation, don't you?—A. Yes; that is what I heard. I heard about it, but don't know specially myself.

Q. You have no special knowledge as to the size of that fund?—A. No, I don't.

Q. Do you know if the Indians derive any benefit from that fund in any way?—A. That is where they get their annuity payment from, don't they?

Q. Well, I am asking you.—A. That is what I think.

Q. What would your judgment be as to the wisdom of using some of that money in the Treasury at Washington to help the Indians and

assist them along the line you told me before lunch?—A. Well, I think myself that it would be a pretty good thing for the Indians.

Q. Have you thought out a plan for the doing of it?—A. What's that?

Q. Have you thought out any plan in your own mind as to how it could be done, or how it should be done?—A. Well, as I said before this morning, it would probably help the Indians to use the money in that way helping them to plow up their land and——

Q. Well, who would handle it?—A. Well, I should think the agent ought to handle that money for the Indians.

Q. Would you leave it entirely to the agent to determine who should get some of it, or who should not?—A. Well, I don't know. I think it would be a good thing to have a special agent for that work itself, to look after the Indians.

Q. Could one person look after the entire White Earth Reservation in that way?—A. I don't think they could. It would take two, I think.

Q. Could two people do it properly?—A. Two; yes. One to manage the business and one to go around and show the Indians how to farm; how to work.

Q. Do you know of any oxen being issued by the Government or given by the Government to the Indians to work their farms with; any ox teams?—A. Why, yes. They have done that right along; that is, they have helped the Indians right along. They have given them oxen when they first removed them here, and wagons, sleighs, and so on.

Q. How long did they continue doing that?—A. Well, I guess they didn't continue very long. When I moved out here on the reservation they was not doing much of it, but they had before.

Q. That is how many years ago?—A. Twelve years ago.

Q. About eight?—A. Twelve years ago.

Mr. GEORGE. Who was the agent when they were doing it?—A. Who was the agent when I came?

Q. Yes.—A. It was Allen, I think his name is.

Q. And they were not doing it then?—A. No; they was not doing it then.

Q. Who was the agent when they were doing it before?—A. Well, I have heard the man's name, but I can't think of it. I might know it if I heard it.

Mr. GRAHAM. Is it optional with the agent, do you know, whether he shall do that or not?

The WITNESS. No.

Q. When was the last time you knew of oxen being given by the Government to the Indians?—A. I guess the last yoke of oxen was issued to me when I was removed on the reservation. Mr. Hall was agent at that time.

Q. Have you any knowledge of what disposition was made of the oxen by the Indians?—A. Well, I have just heard so. I have heard what they done.

Q. What was it you heard they did?—A. I heard the Sioux got in among them here and they had a new dance a good deal, and the Chippewas got so crazy that they used to give away their cattle at the towns or trade them off for the ponies; like that, I heard.

Q. Did they cook next year's crop in advance by killing and eating the oxen that ought to raise it?—A. I have heard that, too; that they have killed the oxen to have a feast in the dance.

Q. To what extent did you hear that they slaughtered the oxen instead of working them?—A. No; they didn't really.

Q. Did they do that much?—A. No; they didn't much as we heard it.

Q. Well, if help was given them in that respect, which would you think it wiser to give them, horses or oxen?—A. Well, I think the best way to be done is not to give them any; for the Government to have horses stationed in different villages and do this work in that way for the Indians.

Q. And loan them to the Indians instead of giving them the teams and giving the privilege of handling those teams?—A. Yes.

Q. Don't you think the sense of ownership would help to improve the Indians and give them more ambition?—A. Well, I think it would after you helped the Indian along to show him what he can do, and I think it would help him along so that he would be ambitious to take hold and take care of a team that was given him.

Q. Wern't some other horses, or horses of some other breed than broncho, given to the Indians at that time?—A. I didn't see any.

Q. You knew only of bronchos?—A. That is all. Of course I didn't see all them. I seen most of them. All I seen was bronchos.

Q. Give us an idea what size they were. Could you tell how many hundred pounds they would weigh?—A. They would go from 700 to 1,000 pounds, along there.

Q. A 1,000-pound horse is a pretty good horse?—A. Oh, yes; if taken care of right.

Q. Mr. Porter, this is a rather long question and I ask your particular attention to it while I read it. Was the Indian council held in front of the agency office April 24, 1905, when the additional allotting was about to be commenced, composed of both mixed bloods and full bloods? And did they not select a committee to wait upon Michelet which resulted in the formation of two lines? Do you keep that in mind and will you answer it?—A. Well, when I got there there was a crowd standing up on the hill, as I stated before, and they were talking about the Indians. Well, there was some mixed bloods there, too, but I couldn't remember just who they was, but they was talking about the Indians going to file that day; going to work it up, that is what I heard. But I think I remember that the agent, I guess, sent a word out there, Michelet, to have the line formed of Indians one side and the mixed one side, and the two come in at a time to file. At that time they agreed and started.

Q. I will divide this question into sections and ask you again.—A. First, I didn't know it was a regular council. I thought they was just having a talk.

Q. Was there a council there in front of the agency office that day? Was there a council held in front of the agency office that day?—A. Not a regular council. The Indians themselves was talking this over about their allotting matters, that is all, but there was no council that I could see.

Q. Was there a committee appointed by that crowd of men to see Mr. Michelet?—A. There might have been, but I didn't see it——

Q. Was the formation of two lines, one of full bloods and the other of mixed bloods, brought about by sending a committee to the agent?—A. I don't recall. Maybe they did.

Q. Who was the Government farmer on the reservation when the allotments of 1905 were made?—A. Who was the Government farmer?

Q. Yes.—A. I think Joe Perrault. I heard he was appointed a farmer; that is all I know about it.

Q. Do you know Coffee Beaulieu? You know him, do you?—A. Yes; I do.

Q. Did he go into the woods and get descriptions of pine timber before the allotment?—A. Well, I heard he was out in the woods getting numbers. That's all I know about it. I didn't see him myself.

Q. Well, did he go out and get those descriptions and then did Mr. Michelet give these descriptions to the full bloods?—A. That I don't know.

Q. Did you hear that a number of the resident mixed bloods furnished descriptions of the pine lands to full bloods and ignorant mixed bloods, free of charge?—A. Free of charge?

Q. Yes —A. No; I don't remember of it.

Q. Were you present at the council held by Inspector McLaughlin, which consumed several days?—A. No, sir; I wasn't.

Q. Do you know what was done at that council?—A. No, I don't.

Q. How many mixed bloods are there on the White Earth Reservation as compared with the number of full bloods?—A. Well, there must be two-thirds mixed bloods.

Q. That is, they stand in the proportion, mixed bloods two to one of full bloods?—A. Yes, mostly three.

Q. Two or three to one would be your judgment, then?—A. Yes.

Q. Did the mixed bloods generally favor the reallotment? That means, did the greater number of the mixed bloods favor a reallotment?—A. Favor a what? I don't understand you.

Q. New allotment?—A. New allotment?

Q. Yes.—A. That was the general talk, and I heard they were in favor of having new allotments. That is, you mean getting an additional 160 to each head, do you mean?

Q. I think the meaning of the question is, were they in favor of wiping out the old allotment and making a new one in its place?—A. These were the second allotments that they took, the additional allotments at that time; they had their original allotments, you know; but of course they were in favor of taking the land, but I don't know as they was thinking of disposing of the old allotment.

Q. Let me explain this as I understand it. You say the full-blood Indians were dissatisfied with the allotments they got on the occasion. Now, was the majority of them, the great body of them, in favor of wiping out that allotment and getting a new one at which they would get a better chance.—A. No; I didn't hear anything about that.

Q. What percentage of mixed bloods received pine-land allotments? That is, how many mixed bloods and how many full bloods got pine allotments?—A. Well, I don't know. I never looked that

over to see how much pine there was. How many allotments that was timber; I couldn't tell because I never looked it over.

Q. Could you tell what percentage of full bloods got pine-land allotments?—A. No; I couldn't tell that.

Q. What was the name of the Indian who told you he got nothing but stumps on his allotment?—A. Pin-de-gay-ge-shig.

Q. Do you know whether he sold his allotment or not?—A. No; I don't know.

Q. Then you don't know if he did sell it, what he got for it?—A. No; I don't.

Q. Is he still living?—A. No; he is dead.

Q. What was his business at the time of his death, up to the time of his death?—A. Well, I don't know that he had any business; only hunt for his living.

Q. Hunt what, Mr. Porter?—A. That is, hunt game to live on.

Q. What game was there on the reservation to hunt?—A. Musk rats and deer.

Q. Are there many deer left up there?—A. Well, yes.

Q. How many deer would a good hunter get in a week up there?—A. Well, if a pretty good hunter he would get two or three, anyway.

Q. Two in a week?—A. Yes, if a good hunter. If he is no good, he won't get any.

Mr. GEORGE. Muskrats, do you mean?

The WITNESS. Yes. I used to see him out working and he might have had some.

Q. Do you know an Indian woman named May-zhucke-ge-shig?—A. Mrs. May-zhucke-ge-shig?

Q. You say you don't know her?—A. Yes; I have seen her.

Q. Do you know whether she got a pine allotment?—A. No; I don't.

Q. Do you know Mr. George Walters?—A. Yes; I know him.

Q. Do you know what kind of an allotment he got?—A. Well, I heard he got a pine allotment.

Q. Do you know Mah-een-gaunce?—A. Yes; I know him.

Q. What kind of an allotment did he get?—A. That I don't know, but I think he got pine. As I said before, I know there was several of the chiefs got pine claims.

Q. He was a chief, was he?—A. He was a chief; yes.

Q. How do you determine who is a chief?—A. Well, they appoint the chief.

Q. Who appoints the chief?—A. The majority of the Indians appoint the chief.

Q. In the council?—A. Yes; in the council. When that chief dies, his son takes his place.

Q. Without any council proceedings?—A. Without any council proceedings.

Q. Will his son, if he have a son, will he also be chief? In other words, the chiefship is hereditary?—A. Yes.

Mr. GEORGE. Then if the line dies out, the council appoints a new chief?

The WITNESS. Yes; if there is any.

Q. Do you know Pe-daus-e-gay?—A. Yes; I know him.

Q. What kind of an allotment did he get?—A. I don't know what he did get. He never told me.

Q. Do you know Ben Caswell?—A. Yes.

Q. What kind of an allotment did he get?—A. He got a pine claim I understood, but I don't know how much of a claim or what kind of a one he got.

Q. Do you know Abo-we-ge-shig?—A. Yes; he was over to Pine Point.

Mr. BEAULIEU. Yes; the short man you mentioned this morning?

The WITNESS. I don't know much about him.

Q. Do you know him?—A. I have seen him.

Q. Do you know what kind of an allotment he got?—A. No; I don't. He is over to Pine Point.

Q. You stated that you knew May-zhucke-ge-shig, the husband of the Indian woman I mentioned?—A. Yes.

Q. Weren't all the men I named, including that one, leaders of some factions on the reservation, and didn't they get as big prices for their pine timber as the mixed bloods got?—A. May-zhucke-ge-shig?

Q. He and the other Indians I have asked about.—A. Well, all I heard was that May-zhucke-ge-shig sold his pine and I don't know how much he got for it, nor how much he had. He is one of the chiefs. As I stated before, some of them chiefs got fine claims. Somebody picked them out for them.

Q. Do you know whether Margaret Lynch got any money at all for her allotment?—A. Who?

Q. A little girl, Margaret Lynch?—A. No; I know nothing about that.

Q. Do you know whether there is a contest on between her and the son of the head chief of the Mille Lac Indians for that allotment?—A. No.

Q. Who is the head chief for the Mille Lacs?—A. Wah-we-yea-cumig.

Q. What does that mean in English?—A. It is hard to put it in English.

Q. Was there an Indian agent where you lived before you moved to White Earth?—A. Yes.

Q. Did the Indians call on him to call a council when they wanted one?—A. Yes; they did.

Q. How long have you lived on reservations during your lifetime?—A. I lived over there two years on that reservation; then I lived four years over to Porterellis Reservation. I worked there for the lumber company six years; then I lived here 12 years on the reservation. Eighteen years I have lived on the reservation.

Q. That would be about how many years altogether, Mr. Porter?—A. Eighteen years.

Q. How many Indian councils have you attended at White Earth?—A. Well, I didn't have nothing to do with them. I was to one council; they said it was a council. I was to that one. Let's see. I think I have been into three of them, three councils.

Q. Is it not a fact that Indians usually call their own councils without the agent?—A. I never knowed it that way over to Wisconsin. They might have done it different here.

Q. Isn't it when they want the action of the council vindicated so it can be proved by record, that they call on the Indian agent to be present?—A. Well, I guess they have done it that way in olden

times, and if the agent sanctions it and everything is all right they go on with the council.

Q. Is that the way they do it when they appoint delegates to go to Washington for them?—A. They generally call a regular council if they want to appoint a delegate to go to Washington—notify everybody so everybody will know what the business is, and——

Q. How is that notice given to everybody?—A. They send runners around with tobacco.

Q. Is it a fact that when the agent is not in sympathy with the object of the council that he often refuses to attend?—A. Well, I don't know. If there is anything that is reasonable and anything that the Indians desires, the agent agrees to that; but if the agent says it is not right, he refuses.

Mr. GEORGE. Who sends the tobacco around?

THE WITNESS. The Indian chiefs.

Mr. GRAHAM. In those council meetings, after they are called, do they really smoke as an evidence that there is about to be a council meeting?

THE WITNESS. They generally have tobacco. They smoke together—they smoke the pipe.

Q. Do they smoke because they want to enjoye the smoke or because they are going into council?—A. Yes; going into council.

Mr. GEORGE. Is it part of the ceremony?

The WITNESS. Yes; I think so.

Q. Who is the presiding officer or chairman at those council meetings?—A. Well, they generally appoint a man for that.

Q. Is there anyone has the right to preside because he is chief or Indian agent, or for some other reason?—A. They mostly appoint a man they think is capable of doing the work.

Q. I know; but does the meeting choose that man? Does the council itself choose the man or does some man preside because he is a chief or because he is Indian agent? Do you understand me?—A. No; I don't.

Q. Well, have you ever been at court?—A. What's that?

Q. Have you ever been where they were holding court?—A. Yes.

Q. The judge presides at court because he is judge.—A. Yes.

Q. You have been at other meetings where they would get together, where they would nominate some one; such as, I move that Mr. Porter act as chairman of this meeting. Now, in the council some one might preside like the judge, because it was his right to preside, or, on the other hand, the council might choose some one. Which way?—A. Most generally the council chooses one.

Q. Has the Indian agent a right to act as chairman of the council if he wants to?—A. No; not unless the council wants him to.

Q. Is there any big chief who has a right to do so?—A. No; he has to be appointed.

Q. Were you present at the council last 14th of June?—A. What year?

Q. Last June, you know, would be last year.—A. Was I present to a council, do you say?

Q. On the 14th of June last, that would be 1911.—Q. I don't remember.

Q. Do you know where Gravelle Hall is? A new building right opposite the hotel in the village of White Earth?—A. No; I don't remember.

Q. Well, do you remember a council held about the middle of June last anywhere near the hotel in White Earth?

Mr. GEORGE. Celebration day, that was.

Q. That was on celebration day, June 14.—A. Well, I heard they were having a council over there.

Q. Is that the one you told me about before lunch?—A. I was not present to that one.

Q. Is it usual to notify visiting delegations to attend the council?—A. Well, I don't know. I seen these men going over from the ring at the Gravelle, saying they were going to hold a council; but I didn't go over there. I heard they held a council.

Q. I want you to listen carefully to this question. Would it be better to hire Indians to do their own farm work instead of hiring it done for them, as long as it is their own tribal fund that is being used to pay for it?—A. Well, as I said, the Indians hasn't got nothing to do the work with, and if the Government would break up the land for them they could go on and do the work. The way they are now, bare-handed, they couldn't do anything if you did hire them. What would they do it with?

Q. If they were paid so much an acre for breaking the ground, have they any way or could they find any way to do the breaking?—A. I don't know as they have any teams at all among the full bloods.

Q. Well, if they were paid a certain amount, or reasonable amount for building their own houses, would they earn the money?—A. Yes, if they could build a house. The majority of them can't build a house.

Mr. GEORGE. Can't build a house?

The WITNESS. They can't build a house. The mixed bloods can. I used to hire the mixed bloods to build them, but the full bloods can't do it.

Q. Couldn't they learn how to do it?—A. I suppose they could if some one would go to work with them.

Q. Are they willing to learn how?—A. Yes, I found some there that were willing to build a house, but they couldn't do the work.

Q. In making some inquiries about Indians in Arizona, we had testimony before our committee to the effect that Indians there, the Apaches, would walk more than 20 miles to get a chance to do a day's work. Your Indians aren't made that way, are they?—A. No they aint. They aint built that way.

Q. They would go that far in the other direction?—A. They carry the gun or hatchet or trap, is all they can do. An Indian can't work for himself. He is a good man to work for others, but can't work for himself, someway. It has been tried

Q. What do you think the result would be if the Government would offer the Indians the opportunity to build houses at the same cost that the Government pays other people to build them? Would the Indians do it?—A. Well, I think they would be willing to do it if they could have the priviledge of hiring a man to show them how to work. Of course they couldn't build a house.

Q. The houses are all frame houses, built of lumber?—A. Yes. I got one full blood to build a house up on ——— River. Nobody could live in it, for you could throw a cat through the cracks any place in the house.

Mr. GEORGE. What could you throw through?

The WITNESS. You could throw a cat through. He was a pretty industrious Indian and I thought could do pretty good work, but he couldn't build a house. That's the way it is with the Indian.

Mr. GRAHAM. Well, it had an advantage over some of the houses I know, it was well ventilated.

Mr. CARL. I would like to ask you, Mr. Porter, if Ish-qua-gow-bo wasn't the man who built most of the houses around Twin Lakes.

Mr. GRAHAM. Didn't the Indian whom he named build most of the houses around Twin Lakes?

The WITNESS. He might have done it before I came, but he has not done it since I come.

Mr. BEAULIEU. And at Elbow Lake also, Mille Lac?

The WITNESS. Elbow Lake? Caswell built the houses—and Thompson built houses at Elbow Lake. Took a contract to build them. I think 20 houses built there in that village—21.

Mr. BEAULIEU. Caswell was an Indian.

Mr. GRAHAM: Which would you think better, for the Indians to take all the money they have in the Treasury at Washington and divide it among them, giving each one his share of it, or to take that fund and use it for the purpose of employing those who are willing to work and paying them for their work?

The WITNESS. You know that has been tried once. The Government has tried that; even went to work and paid them $1 a bushel for the wheat that they raised, their own wheat, or anything that he done, and paid an Indian for building a fence around his farm; the Government paid him so much, and yet they failed; they didn't succeed in that. They had oxen; they had teams. He failed. There is no houses on his land now—all gone down or burned down.

Q. The question is, which scheme do you think would be best; for the Indians to do just as you have stated or, rather, as you have objected to the doing of, or take the money in the Treasury that belongs to them and divide it up and give each one his share to do what he pleases with it?—A. I think that would be the best way.

Q. Let him have his money?—A. I think that would be the best way, to take the money and divide it each.

Q. Let him have his ups and downs, the same as a white man?—A. The same as a white man.

Q. Let him get rid of it?—A. I think that would help him.

Q. But wouldn't the Government have to come to his assistance after he had spent his money or some one had cheated him out of it?—A. It might have to, yes.

Q. What do you think the majority of the full bloods would do with the money if they got it?—A. The majority would squander it.

Q. Have you any opinion of your own as to how much money is coming to each individual Indian out of that fund?—A. I don't, but I have heard that it was something over $300 a head.

Q. Have you any sum of money in your mind as to the amount of money coming?—A. No, I have not.

Q. Well, I have heard sums estimated, but I will take the arbitrary amount of $1,000, which, from anything I have heard is a great deal less than the amount coming to each Indian, and suppose that each Indian got $1,000 in cash for his share of that fund, what do you think the effect would be on the majority of the full bloods and quite

a good many of the half-breeds or mixed bloods?—A. I sometimes think it would be the means of killing some of the Indians off. Then, again, it would be a good thing for the majority of the Indians if it was that way. There may be one-third of the Indians that would squander away their money, but the balance would make good use of it. That's about the way it is. They ain't all alone; they are a good deal like the white man. Some white men can go on and make a success of their work while others when they get money they spend it in the saloon and keep going that way. That's about the way with the Indian; when he gets money he wants to spend it for something like that, and others they take good care of their money.

Q. Well, would you express a choice between these two plans? Which is your choice; dividing the money up among the Indians, or keeping the money in the Treasury and paying it out to those Indians who would work to earn it?—A. No; my choice would be to divide the money among them and it would be a good thing for the majority of the Indians, because he depends on the Government now; that keeps him a vagabond and he don't want to work. He depends on the warehouse and depends on the money that is coming, and won't work; but after the Indian is paid off and the Government tells him that is the last I will do for you and will pay you no more, then the Indian will try and do something, I think. He is on his last legs.

Mr. GRAHAM. It is suggested that I ask you, Mr. Porter, on your theory of it, if the Clapp Act was a good thing because it enabled those to whom it applied to sell their land and do what they pleased with the proceeds?—A. Yes.

Q. Well, is it your opinion that it was a good law, a wise law, and beneficial to the Indians?—A. Well, I think it was all right, providing that the Indian could get his money right down at once.

Q. Do you know many of those Indians who did sell their land and get the money at once?—A. What is that question again?

Q. Do you know many of the Indians who sold their land under the Clapp Act and got the money for it?—A. Yes; I know a few.

Q. How many would you say you recall who sold some of their land under that law?—A. Four or five, I think, somewhere along there, that I have known sold their land.

Q. Have those whom you know who sold their land that way—how many of them made good use of their money?—A. I don't think there was any, hardly.

Q. They squandered it and lost it?—A. Yes. In the first place, they didn't get anything hardly for the land; from $50 to $100.

Q. Why?—A. I don't know.

Q. According to your testimony this morning the 80-acre allotment should have brought them $800?—A. Yes; that is the value of the land, I think, in the neighborhood of $800. That is the value of the land, I said, but didn't say what they got for it.

Q. No; you only said that was the value of it. Now, when I ask you this question, I want to ask you another relating to it. If those Indians sold their 80-acre allotment for a small part of its value, and they got a large amount of money from the Government in a lump sum, would they not be likely to be cheated out of it just as they were out of the land? For instance, buy an old piano worth $2.50 and pay $100 for it? Buy a horse worth what it would cost to shoe him

and pay a big price for him? Buy old furniture at the price of new furniture, and make foolish investments of that sort?—A. Yes.

Q. Well, would you still be in favor of giving such Indians their money to do what they please with it?—A. Well, that—I have an opinion of that sometimes and then again I don't; I think the other way. It's kind of puzzling to know just what would be just the best way.

Q. Have you thought about it before this?—A. What?

Q. Have you thought about it at other times and weighed the question as to what in your judgment would be best?—A. Yes, I have.

Q. Have you reached any conclusion about it?—A. No, I have not, really.

Q. You are a leader among your people?—A. What?

Q. You are a leader in Israel?—A. Yes.

Q. And it is your duty, isn't it, to look after the good of your people?—A. Yes, sir.

Q. Not only to teach them how to save their souls, but to teach them how to live better?—A. Yes, the people I have charge of there; those Christian people, those full bloods, made good use of their money. Those that did sell, they took good care of it; but I am talking about those ungodly Indians, those out of doors yet, you might say.

Q. Are you ungodly enough not to care a great deal what became of them?—A. No, no; I feel for those Indians. I like to see them get along. I like to see them used right. It's pretty hard to decide which would be the best. I would like to help the Indian all I can. I would like to see him get along nicely. That is the way I teach my people up there, to be industrious, to work, and earn their own living, and my people up there are a self-supporting Church now; among the full bloods up there they are doing pretty well.

Q. To what do you attribute that?—A. What?

Q. What do you think caused them to be better than the others you speak of?—A. Well, I have taught them to be industrious and work and leave off this foolishness and drinking.

Q. Why couldn't your method be adopted generally among them—among the other Indians?—A. Well, I should think it could.

Q. How many miles away from your church do the Indians come to it? That, how large an area?—A. Well, about 3 or 4 miles.

Q. In every direction?—A. Yes.

Q. Are they good churchgoers—good attendants?—A. Yes; they are.

Q. Do you have services on any day but Sunday?—A. Oh, we have three services through the week; Tuesday night and Thursday and Saturday nights.

Q. How far do they go to those services?—A. They go 3 or 4 miles.

Q. Drive in?—A. Yes; but some of them goes afoot.

Q. Have all your people horses and vehicles of some sort?—A. No; they haven't all got horses. They didn't have no horses when they come there.

Mr. GRAHAM. Is there anything further you wish to ask the witness?

Mr. BURCH. I have a telegram which leads me to inquire if the committee can enlighten me as to what its immediate intentions are. Rev. Mr. Wright, whom we desired to testify at this time, or had

hoped to have testify to-morrow, Saturday, has been refused permission by Archdeacon Parshall to come unless his return can be guaranteed for Saturday; that is, services on Sunday, I suppose, by his church. Of course, we could not do that and I wondered if the committee would be likely to be in session in this place on Monday, or Monday and Tuesday, so that we can feel at liberty to ask that he come after Sunday.

Mr. GRAHAM. The committee inquires of you, have we matter to keep us busy here until after that time?

Mr. BURCH. Well, the best of my opinion is that you will for a week after that time, if you take it all up. That also depends on the desire of the committee. When the committee has gotten enough, we shall feel ourselves in duty bound, out of respect to it, to desist.

Mr. GRAHAM. Well, we will have to begin discriminating, I think, drawing lines here and there.

Witness is excused.

WILLIAM A. EGAN, sworn by the chairman, testified as follows:

Examined by Mr. GRAHAM:

Q. Your full name is what?—A. William A. Egan.

Q. Where do you live, Mr. Egan?—A. St. Paul.

Q. How long have you lived in St. Paul?—A. Well, this last time I don't exactly remember when I came back, but St. Paul has been my home almost all my life, except when I was at White Earth.

Q. Have you been away from the city awhile?—A. Yes; I was at White Earth.

Q. When was that?—A. Why, I went up to White Earth in 1900.

Q. And stayed how long?—A. Why, I was there off and on for 10 years.

Q. What is your present occupation?—A. I am on the fire department in St. Paul.

Q. Well, what has your occupation been?—A. Before I went up to White Earth I was a plumber.

Mr. GEORGE. Plumber?

The WITNESS. Yes, sir.

Q. What did you do at White Earth?—A. Why, farming and logging.

Q. Were you then in the Government employ?—A. No.

Q. Worked for yourself?—A. Yes.

Q. Are you a man of family now?—A. What is that?

Q. Are you a family man?—A. Why, yes.

Examined by Mr. BURCH:

Q. Mr. Egan, are you a mixed blood?—A. No.

Q. Is your wife?—A. Yes.

Q. Was she an allottee?—A. Yes.

Q. Original?—A. Yes.

Q. And additional?—A. Yes.

Q. How many children have you?—A. One.

Q. Boy or girl?—A. Boy.

Q. How old?—A. He is 15.

Q. Was he an allottee?—A. Yes.

Q. And additional?—A. Yes.

Q. Were you a participant in the so-called additional allotments?—A. My wife was.

Q. Were you present?—A. Yes.

Q. Were you present on Easter Monday, that is, the 24th of April, 1905?—A. Yes.

Q. At the beginning?—A. Yes.

Q. Did you stand by your wife there or accompany her?—A. Yes.

Q. Was she one of those who stayed over night to keep in line?—A. Yes.

Q. That is in the first line; that is in the mixed-blood line as it is termed?—A. Yes.

Q. Do you know about what position she occupied?—A. She stood 169.

Q. And yet you lived at White Earth at that time?—A. Yes; on the reservation at Richwood.

Q. The town in the south end of the reservation in the village of Richwood?—A. Yes.

Q. Well, what time did you get up there?—A. We were there the night before.

Q. And still you stood 169?—A. yes.

Q. Had you taken any precaution for your wife, to look over any of the land, or get any minutes of land?—A. Yes.

Q. And for your son also?—A. No; not at that time. I wasn't looking for anything for him at that time.

Q. Now, I want to ask you, whatever you may know personally or may have heard about the occurrences there or thereafter, respecting your own experiences?—A. Well——

Q. Tell your story to the committee; you are an intelligent man; just go on and tell your story to the committee.—A. I haven't got nothing to say about this additional allotting at all. What I have to say is about my boy's original allotment.

Q. Oh, about the original allotment; yes, when was that made?—A. It was not finally settled until three years ago last fall—let's see, I can't tell——

Q. That would be 1908?—A. I think it was three years ago last fall. I can't tell for certain until—I have all those papers home.

Q. Tell the story; just tell the story; go on and tell the committee.—A. Of course, I can't give you no description of anything until I get them; I haven't got them.

Q. That is, the papers?—A. Yes.

Q. Tell your story without the description and we will get the papers if we think them necessary.—A. Of course, we were living here in St. Paul and we never got no original allotment for the boy until we got one up there, and we was up there about a year, and we spoke several times about getting an allotment for him, and so my wife went up to White Earth and spoke about it to Mr. Theodore Beaulieu, and he says "Well, he is entitled to it; where do you want to take it?" "Well," she says, "I don't know; but I would like to get some in the neighborhood of my brother-in-law's place, or his boy's place." So Theodore, of course, brought out his map and found the boy's place, and all around there was vacant. He says, "You go out there and look at that, and if you like it come back and take it."

Q. He was an officer in the agency office?—A. Yes.

Q. Proceed.—A. So she never went back. Of course, I was out there, and involved in some logging deals out there, and the first thing I know, why, I was arrested for trespassing.

Q. Well, pass that by; I don't care anything about it.—A. Well, of course, that is the story.

Q. All right; go ahead.—A. This allotment—that is, one of these allotments that was close to my nephew's allotment—was to be put down as his.

Q. As whose?—A. As my boy's.

Q. Had he made any application?—A. No; these were minutes that they had given us.

Q. His name had to be put down on it?—A. On one of these; and they claimed then that I took this allotment and cut the pine off of it.

Mr. GEORGE. They claimed what?

The WITNESS. They claimed I took this allotmant and cut the pine off of it.

Q. That is your son's allotment?—A. Yes. Through the agent's suggestion I took one of his surveyors out there and surveyed this place and proved that there never was pine on it nor within 2 miles from it, and made affidavits that there was no pine on it; still, I couldn't get rid of it. I wanted to get rid of this allotment that he had against the boy.

Q. The boy had never selected it?—A. The boy had never selected it. I had Mr. Beaulieu there to kind of help us out, but we couldn't do nothing; and so, through Mr. George Campbell's affidavits and my brother-in-law Mitchel Vicnor's affidavit, the agent said he would give me something else; so I wanted to get a piece of land on the prairie part for him; so he says, "Go ahead and get it." So we went out and selected a piece of land up around Bejou. Bejou wasn't there then, but it is now; and we were satisfied and got pine. We was going to take his additional allotment as close as we could to his original allotment; on the contrary, I got to find out some Mille Lac Indian had this allotment that we was going to get; so then——

Q. You had selected it already?—A. Yes; he told us to go ahead and select it, and gave us the minutes of it.

Q. And some Mille Lac Indian had gotten it?—A. Yes; I forget her name now, I know I have got it at home. So he says, "Well, you can go and select anything you want." So I went out in the woods and selected a piece with some pine on it and came back and told him about it, and he says, "All right; go in to Mr. Morrison and he will change it for you. He will give you that in place of your old one which you don't want." We went in and Mr. Morrison scratched off, running a pen through the old allotment and wrote "New allotment" on the back. Of course, that is all we could do, and we supposed it was his; so then we left the reservation for about a year, and we came back and found somebody else in possession of it by the name of Muchler. Her uncle worked in the office as a stenographer.

Q. Whose uncle?—A. This Muchler girl. His name was McDougall, and he bought his allotment from her.

Q. Who bought?—A. McDougall.

Q. Had bought the allotment from Miss Muchler?—A. Yes, sir; he selected it for her, so far as I know.

Q. Do you mean selected it?—A. Her uncle was in the office as stenographer.

Q. Do I understand that the agent took the selection away from your son?—A. Yes; and put us back on the old one that we never took.

Q. Put your son back on the old one; that was swamp land, was it?—A. Yes.

Q. And had given the selection to the girl in the office?—A. Yes.

Q. The niece of the person in the office?—A. Yes, sir; her uncle was in the office as stenographer

Q. Who was the person in the office?—A. Alex McDougall.

Q. And this was a neice of McDougall?—A. Yes.

Q. Well, go on.—A. I didn't know nothing about it until that winter when we came back from Jamestown, N. Dak., and there was a Mr. Reinhart—a miller, there—called my attention to it that there was somebody out there building camps and going to put the logs in; so of course I called right up and asked what allotment we had for the boy. They told us, got the minutes of the allotment for the boy, and my wife jumped on the train, and so Mr. Van Meter——

Q. He was in the office at the time?—A. No; he was at Mahnomen; was out of office then. So he says he will see what he can do for us. So we met at the office the following morning. We went down there and he wouldn't do nothing; he wouldn't talk to us.

Q. Oh, he; who do you mean by he?—A. Michelet; he wouldn't talk with us at all.

Q. Did you pay Van Meter anything for going up there with you?—A. Yes, sir; $200.

Q. Paid him $200?—A. Paid him $200. When we see we was up against it and couldn't do nothing, why, Van Meter advised us to take what we could get and shut our mouths; so they told us of a piece down near Pine Point that had 350,000 on it if we wanted to take that. Well, we took it at their word. Since we sent a cruiser out there and found about 75,000 on it.

Q. How much was there on this allotment that was given to your son and afterwards taken away from him, that McDougall's neice got?—A. I think it cut about seven or eight hundred thousand.

Q. What was its value?—A. Well, it was white pine. I don't know what it was worth then.

Q. That was recently, I suppose?—A. Well, I can't tell just now and I haven't any papers with me, but I have got them all home.

Q. What did Michelet say to you, if anything, as to how you should conduct yourself, if he gave you this new land, this piece in lieu of that over near Pine Point?—A. He said, "If you want to take this I will give you a trust patent for it right away," and he did; he got us a trust patent for it inside of a month.

Q. Did he have anything to say about your keeping still or quiet, or anything of that kind?—A. Why, he never said nothing.

Q. Did he say anything to you about that?—A. No.

Q. He did not; it was Man Meter, then, who told you to keep still?—A. He said the best you can do out of it is to take this. Of course he didn't say nothing about keeping still, but said, "If I was you I would keep still, because I don't think you can ever do anything."

Q. This was a pure case of switching allotments back and forth?—A. Yes, sir.

Q. By which you received a piece way over at Pine Point that had about 75,000 in lieu of the piece that had 700,000 on it, nearer market?—A. Yes; nearer market.

Q. How far was this 700,000 piece from the railroad or from mills?—A. About 4 miles from the Ottertail River.

Q. It was within hauling distance?—A. Yes; it has been put in since.

Q. Which company was buying pine over there?—A. Where those logs were put in?

Q. The 700,000; yes.—A. There was a sawmill there. Reinhart had a sawmill there, and the Nichols-Chisholm Lumber Co.

Q. The Nichols-Chisholm Lumber Co.'s timber went into the Ottertail River, did it?—A. These logs here went to Reinhart. He had a mill right there.

Q. Was he buying timber, if you know?—A. Yes.

Q. Do you know anything about this niece of McDougall's?—A. No; I don't know nothing about her.

Q. How did Michelet claim to know there was 350,000 feet there?—A. I don't know. He seemed to have the minutes there. That is all I know; that is, Van Meter was the one who gave them to me. I don't know where he got them.

Q. Did Van Meter have any talk with Michelet apart from you?—A. I don't know, I'm sure.

Q. While you were there?—A. No.

Q. Did any agent of any lumber company attempt or try to procure lumber from you about that time?—A. No; but I suppose they would if they had known I had it.

Q. I mean the 350,000?—A. Oh, no; no.

Q. Did anybody attempt to buy the timber of you?—A. The boy's timber?

Q. Yes; make a proposition to you for it?—A. Well, no they didn't, but if I had had that 700,000 there was a whole lot that wanted to buy it, but I didn't have any right to sell it.

Q. Did anybody talk to you about buying the 700,000 while you supposed you had it?—A. No; because they knew I didn't have it, I guess; because I was away then and just got back.

Q. Do you know anything about the geographical divisions of the two companies, which had one territory and which the other?—A. No; I don't.

Mr. GRAHAM. Do you gentlemen wish to ask any questions?

Mr. BEAULIEU. I wish to ask one question. How much Indian blood is your wife?

The WITNESS. I think she was one-eighth breed.

Mr. BEAULIEU. One-eighth Indian?

The WITNESS. Yes; as far as I know.

Mr. O'BRIEN (addressing chairman). Does the chairman desire any records to substantiate the testimony of this witness?

The CHAIRMAN. It would be almost necessary to clarify his testimony that we get the descriptions.

Witness excused.

GEORGE WALTERS, sworn to testify through Duane F. Porter, testified as follows:

Examination by the CHAIRMAN:

The CHAIRMAN. Now Mr. Porter, if you will translate just as I tell it to him, we will have no trouble and I will talk to you as if I were talking to him.

Q. What is your name?—A. Kah-gon-daush.

Q. What is the meaning of that in English? Have you any English name?—A. Yes.

Q. What is it?—A. George Walters.

Q. Where do you live, Mr. Walters?—A. White Earth.

Q. What direction and how far from the reservation buildings?—A. North, about 2 miles.

Q. How long have you lived in that neighborhood?—A. Forty-four years.

Q. Were you born there?—A. No.

Q. Where were you born?—A. Gull Lake.

Q. How old are you?—A. A little over 55.

Q. Have you had any education at school?—A. Yes, a little while.

Q. How long?—A. Pretty near three years.

Q. Can you read or write English?—A. No.

Q. Do you hold any position among your people?—A. No, I doesn't.

Q. Are you a married man?—A. Yes, I am.

Q. How much family have you?—A. None.

Q. Do you own any land?—A. Yes.

Q. How much?—A. I own 160 of my own, I bought my father's land—160, then I bought 80.

Q. How much stock do you own—horses and cows?—A. Three horses.

Q. How much land do you cultivate and raise crops on?—A. I don't farm. I worked 8 acres last year and didn't raise anything on it.

Q. What use are you making of all your land?—A. I like my land, and I am not making any use of it.

Q. Is it timber land?—A. Yes. Where I live.

Q. How much pine land have you?—A. Eighty acres pine.

Q. Are you a member of any church organization?—A. Yes.

Q. What one?—A. Episcopalian Church.

By Mr. BURCH:

Q. So far as you do business, your business is traveling in the summer, is it not?—A. Yes; I went among the "Soos" this year in July.

Q. Do you go before the public—before the people in any capacity, traveling?—A. I went to where there was quite a crowd of people.

Q. Traveling with a circus?—A. Yes.

Q. How many years?—A. Pretty near two years.

Q. Now, are you full blood or mixed blood?—A. Full blood.

Q. Are you a Chippewa?—A. Yes.

Q. What tribe—Mississippi?—A. Mississippi.

Q. Father's mother Mississippi?—A. Yes.

Q. Were you born on the land now the White Earth Reservation, or where you born?—A. Gull River.

Q. Where you—did you take an original allotment?—A. Yes.

Q. Where was it?—A. Two miles north of the agency where he is now.

Q. Did your wife take an original allotment?—A. Yes.

Q. Where was that?—A. Near White Earth Lake.

Q. Were they both farming lands?—A. My wife's allotment is timber and my allotment is prairie.

Q. Mrs. Walters's allotment is timber?—A. Yes; hardwood timber.

Q. When did they take those allotments—the originals?—A. While I was traveling with the circus they made the first allotments on White Earth.

Q. Then when did you take it, after you got back?—A. When I got back.

Q. I was there a year and after the snow went off I took my allotment.

Q. If you can, tell me when you took the original.—A. I can't remember just when I did take the land or how long ago.

Q. Did you take an additional allotment?—A. Yes, I took an additional.

Q. Were you present when the additional allotments were made by Michelet?—A. Yes, I was there.

Q. Were you in the first line, the line first formed?—A. I was inside the building—inside the office.

Q. Were you there all night, inside the office?—A. No; I was sent there, and I was appointed as one of the judges to see about the allotments.

Q. By whom—who appointed you?—A. The Indians.

Q. What council, or how were you appointed by the Indians?—A. Outside of the office they gathered there and got to talking about it.

Q. Were you in the group of the mixed bloods who found fault and complained?—A. Yes.

Q. Why did you meet there and complain, or did you meet there and find fault?—A. The mixed bloods tried to have their allotments first.

Q. How many were allowed inside the office to judge?—A. I remember about seven appointed.

Q. Seven that went in?—A. Yes.

Q. Did—were there two lines formed after you went in?—A. Yes.

Q. Did they go in two and two, one from each line?—A. Yes.

Q. Did you see papers with figures on them, held by those in the mixed-blood line, when they came in?—A. Yes.

Q. Did you see any such papers in the hands of those in the other line that came in with them?—A. There was one in a great while.

Q. How did the full bloods know how to pick out their land?—A. There was one there whom they trusted to get the numbers.

Q. Who was that one?—A. Simon Michelet.

Q. Michelet, then, told them what to take?—A. Yes. Not all, some of them.

Q. Did you get your allotment first, before any from outside came in?—A. No.

Q. When did you get your allotment?—A. After I had been there a day.

Q. Did any of the chiefs get their allotments first?—A. No; I didn't see any.

Q. Who told you which line to take?—A. My brother-in-law Leecy came in after he filed on his land and turned around to me and asked if I had anything filed. I said no, and he turned over a bunch of papers to me and said, go ahead; and told me what to do.

Q. Did you take one of those that Leecy handed you?—A. Yes; I took them.

Q. Was Leecy a storekeeper there in White Earth then?—A. I don't know. I don't remember.

Q. Was it John Leecy?—A. Yes; John Leecy.

Q. How did John Leecy get in there?—A. He came in with the full bloods.

Q. At the time John came in with the full bloods, is that the time when he handed you some papers?—A. Yes. Yes; he came around outside—after he had filed he came and spoke to me through the window and handed me the papers.

Q. Did you get a good pine piece?—A. Yes; there was lots of timber on it, but I had never seen it.

Q. After the allotment did Pin-de-gay-ge-shig send word to Mr. Wright of their complaints after the allotment?—A. Yes.

Q. When did the full-bloods first begin to complain of their treatment at the allotment; after it happened—that is, after it was over?—A. Pretty soon.

Q. Did they meet together to talk it over?—A. Yes.

Q. Where did they meet?—A. When they first spoke of it, it was up just north of the office, up the road across a little creek up on a side hill by the side of the road.

Q. The same day after it was over?—A. No; it was not the same day. It was after.

Q. Why did they send to Rev. Charles Wright?—A. Why, Pin-de-gay-ge-shig was the man that sent the word to Charles Wright, because he was not satisfied with the allotment.

Q. Was it because Wright was their chief—chief of all the Chippewas?—A. Yes.

Q. Was it because they recognized—these full-bloods recognized—Charles Wright, or White Cloud, as chief of the Mississippi band or tribe?—A. Yes.

Q. Did you recognize White Cloud as chief of the Minnesota Indians at that time—did you at that time—well, Mr. Porter, what I want to know is—well, I will ask the question. Is White Cloud and Rev. Charles Wright the same person, the same man?—A. His son.

Q. I understand he was a son of the old chief White Cloud. Do they all recognize him as the young chief White Cloud, Charles Wright? Do you not recognize him as the young chief White Cloud? A. I am not alone to say that he is a chief, but they had a religious gathering at the church one time and Mr. White Cloud was there and a lot of the people were there, some of those people were there when White Cloud got up and told the people that he was leaving his chiefship with his son, Charles Wright.

Q. Do you now recognize Charles Wright as chief; that is, the successor of his father, White Cloud?—A. The full bloods accept him as that.

Q. The full bloods accept Charles Wright as chief of the Chippewas of Minnesota; that is, of the Minnesota band?—A. Of the Mississippi band.

Q. Was that why you sent word to him to come to your relief at that time?—A. I suppose that was the reason that May-shucke ge-shig sent word over to him.

Q. Did he come?—A. Yes.

Q. What did he do after he came?—A. I was not present when he came and I wasn't with him, but they started a paper.

Q. For what?—A. To send a complaint to Washington.

Q. Against the additional allotment?—A. Yes.

Q. Did they want it put aside and a new one?—A. Yes.

Q. What action was taken by the mixed bloods or part of them after that paper was started? Mr. Graham, I will waive that question.

Did an agent named Downs come there to investigate after the paper went to Washington? Did an agent named Downs come from Washington to investigate for them, send their complaint there?—Yes; there was an agent came.

Mr. CARL. The interpreter here is a little faulty.

The INTERPRETER. Special agent. Special agent and inspector, one way or the other.

Mr. GRAHAM. What is the fault?

Mr. CARL. Agent is usually referred to as the Indian agent, and the other is a man who goes around to inspect. That means "looking round."

Mr. GRAHAM. What do say this should be?

Mr. CARL. Well, he should ask—the judge ask—he should ask as the judge asked the witness Ogema, I will say. He should say Nah-dah-wah-bodg-e-gay-we-ne-ne.

Mr. GRAHAM. Is there only one way that could be done in your tongue?

Mr. BURCH. As I understand it, Mr. Chairman, Mr. Carl's objection is that you make the distinction—that there is a distinction between agent and inspector. Now, the principal matter I want to get at is, did a man come around and investigate?

That man's name was Downs. I don't care whether he was an inspector, agent, or what he was.

Mr. GRAHAM. I don't think there is anything misleading in the interpretation.

Mr. BURCH. Did he go away again?

The WITNESS. Yes; he went back.

Q. While he was there, did he inquire about what had happened or how it happened?—A. Yes; he did. Before he went away.

Q. Did he inquire of you, among others?—A. I don't know whether he inquired of me, but I had to come 2 miles to where they were; there was a room waiting for me.

Q. Did Downs call a lot of them together in a room?—A. Yes; they were in a store.

Q. Was there a sort of council; that is, a consultation?—A. Yes.

Q Did he ask them to get up and speak?—A He didn't ask anybody to get up, but anybody could get up to speak that wanted to.

Q. Did he give everybody a chance?—A. Yes.

Q. Did different ones get up and tell their story about the allotments?—A. Yes.

Q. Was Agent Michelet there?—A. He came in a little while.

Q. He didn't stay to hear all the charges made against him?—A. No.

Q. Were any mixed bloods there?—A. Yes; there were some.

Q. Did all the people there take one side—that is, complain—or did part of them complain and part of them say it was all right?—A. They were split up some.

Q. Which seemed to be the most—those that complained or those that were satisfied?—A. I don't know which was the most side, but the complaint was accepted.

Q. Did this Downs seem to be fair and anxious to find out everything? Fair minded? This agent—inspector?—A. That is the way we understood him.

Q. Did he seem a sober, decent man?—A. That is what we Indians thought he was.

Q. Were you all pleased with his manner of doing business?—A. Yes; we were.

Q. After he went away they got through the meeting, or after they got through complaining and defending the allotment, did he tell what his decision was—what he decided?—A. Yes. He was—and he started and went to Washington right after they got through.

Q. I know, but did he tell you what he was going to decide?—A. He said, "I will take this up before the President."

Q. But didn't tell you what his mind was—which way he decided?—A. No.

Q. Well, now, after he went away, did you get news as to what would be done about an allotment—a new allotment?—A. He came again and told us that he was going to allot us over.

Q. The same man?—A. Yes.

Q. Then did anybody else start in then to do anything to the contrary to stop it?—A. I don't know how it happened. All at once he went back. There was another man came—an inspector.

Q. Well, did you know of any meeting being called to have the old allotment sustained, or was any meeting called there that you heard of to have the old allotment kept good?—A. That was the general talk with some, and with others they said it was not.

Q. Did you know of any council of mixed bloods or anybody held there to get Downs's decision overruled and the old allotment kept good? Was there any council or meeting?—A. I don't know of any council being held at that time. It was right there where we had the talk; was where they all had the talk together about this.

Q. Did you hear of any word being sent to Washington to have a new man come and hold a new council?—A. That is what I heard. I heard there was a good man coming up that would fix up things all right.

Q. Who did you hear it from?—A. There was not only one said it; there was a lot said it and they was looking for him to come.

Q. Who were they that were looking for him to come?—A. I don't remember just who they were. Pin-de-gay-ge-shig was one and Aindeence was the other.

Q. Do you remember when the new man came and did you see him?—A. Yes, I had seen him.

Q. What was his name?—A. I don't remember his name, but if I hear his name I could tell.

Q. McLaughlin?—A. Yes, that's the one.

Q. He was an old man, an oldish man with white hair?—A. Yes, he was an oldish man with white hair.

Q. Did you hear that he had a Sioux wife?—A. No. He called for me when he came.

Q. Do you know how long he had been there before the council happened—before the council occurred?—A. I don't remember just how long, but he was there before the council; it was me and him that spoke of having the council. I believed what he said.

Mr. BEAULIEU. Just wait a moment; that wasn't interpreted correctly by the interpreter.

Mr. GRAHAM. What is the error in the interpretation?

Mr. BEAULIEU. He said, "We arranged a date for the council."

The INTERPRETER. He said, "We had a talk over it and McLaughlin says he was right there."

Mr. BEAULIEU. I only mention this because I understood that Mr. Burch said there had been no ample notice given.

Mr. BURCH. No; I never said that—yes; I may have inferred that, but no matter about that.

Mr. GRAHAM. Any slight verbal inaccuracies which do not change the sense of it are scarcely worth calling attention to. But where there is a translation which does not correctly reflect the meaning, we want to know, of course, because every one here believes that Mr. Porter will give us the translation which he thinks is correct. But he may be mistaken, and if he is, why, he would want to be corrected.

Mr. BEAULIEU. No matter how good an interpreter may be he is apt to make mistakes. We don't charge Mr. Porter with doing this intentionally.

Mr. BURCH. Who took out the notices of the meeting of council?

A. They were going to put up notices but I don't remember just how it was, and I heard they were going to send a notice over to Pine Point.

Q. Was that all; just put up notices and send word over to Pine Point?—A. They said that they were going to send notices all over, so everybody would know there was going to be a council.

Q. Do you know whether they did or not?—A. There was one sent to Charles Wright.

Q. Do you know anybody else that one was sent to?—A. No.

Q. Do you know that they were not sent?—A. I don't know whether he sent the notices or not.

Q. If it had been understood by all the Indians on the reservation entitled to vote in council that they were going to vote about whether the old allotment should be kept or whether it should be set aside and a new one taken would there have been so small an attendance as 150 men at the meeting, in your opinion? If it had been understood that they were going to take a popular vote in the council?

(No answer.)

Q. I will try and put it in another way. Did you know that the Indians were all expected to come in there and vote on the question whether the old or another allotment should be made?—A. I didn't know so. I didn't understand so. I don't say that. He said afterwards they would come to a vote.

Q. We do not understand each other yet; at least I don't understand you, and I will ask it over again. If they knew—all the Indians on the reservation capable of voting in the council knew—they were going to vote whether it should be the old allotment or a new allotment, in your opinion would they have all come—all come, or nearly all?

Mr. BEAULIEU. He has stated—he has answered the question, and the interpreter says, "No, you don't understand it." Let him answer that and we can tell whether he understood it or not.

Mr. GRAHAM. The proper course is for the interpreter and the witness not to have a conversation. His oath was that he would translate into English the answers of the witness.

Mr. BURCH. Maybe I can try again. Do you believe that if the question of whether they were satisfied with the old allotment or wanted a new one was asked to all of the Indians on the reservation, if they were all obliged to come in—brought in instead of invited in—that it would be the same result as they had with the few who were there? Now, see if you can make that plain to him—well, I don't know, may be we had better give it up until to-morrow morning, and I can think of some way——

Mr. CARL. The man has answered it, and we should have the answer in the evidence.

Mr. GRAHAM. Never mind. Everything is in the record.

Mr. BURCH. I will go back now and ask the reporter if she can read to you the question which they claim has been answered. I have tried two or three ways, and we seem to be in quite a little difficulty here.

Mr. GRAHAM. I think you make your questions too long for translation some times.

Mr. BEAULIEU. Could I interpret the answer to you?

Mr. BURCH. I should not be satisfied with any interpretation you give, unless Mr. Porter said it was so.

Mr. GRAHAM. How many Indians had a right to sit in that council?

The INTERPRETER. Well, he said there was Indians there, he said.

Mr. BURCH. Now, that question may be wrong there. Do you mean the full bloods or everything on the reservation?

Mr. GRAHAM. Try him again with that question, Mr. Interpreter. On the whole reservation, how many Indians are there who have a right to be present at a council; that is, who are old enough to be present at a council?

A. If they had all come to the council, there would be about 100, and if they didn't all come to the council there would not be that many.

Q. Do you mean that out of five or six thousand Indians on the reservation, only 100 of them have a right to sit in a council meeting?

The INTERPRETER. Did you mean everything?

Mr. GRAHAM. I mean full bloods and mixed bloods. They all have a right to sit in the council, as I understand it. If he misunderstands, I will change it to fit his view. Of all the Indians on the reservation, full bloods and mixed bloods, how many of them are old enough to sit in the council and have the right to sit there?

The WITNESS. I can not answer that; I would have to guess at it.

Q. What is your guess, or estimate of it? What is your estimate of the number?—A. I can not answer that—to guess at it.

Q. Can you not give us some idea of the number of persons who have a right to be in the council, if everybody came who had the right to come?

The INTERPRETER. I don't think he knows the numbers on the reservation, is where he is puzzled.

Mr. GRAHAM. How many do you think there are on the reservation, men, women, and children, mixed bloods and full bloods?

The INTERPRETER. He says, "I am going to guess at it."

Mr. GRAHAM. Well, let him guess at it.

A. I think there are about 6,000 on the reservation.

Q. Out of that 6,000 people, how many men are there who are 21 years old and over?

The INTERPRETER. He says "I am puzzled."

Mr. GRAHAM. Give your best belief about it. You may call it a guess or an estimate or whatever you will, but give us your best judgment about it.

The INTERPRETER. He says, "I hate to say—to guess the number, but I will try. You must not think that is, to blame me anything for it."

Mr. GRAHAM. We shall not.

The INTERPRETER. He says, "I am not going to come anywhere near it. I am going to guess at it."

Mr. GRAHAM. No; he has not come anywhere near it, as he has not started yet. Well, I don't see, gentlemen, how we are going to get out of him an opinion as to what a full council would have done when he does not know how many there should be in a full council.

Q. About how many persons were at the council that was held?

The INTERPRETER. He says I might answer that question you asked him before about the number of men above 21 out of 6,000. He would estimate about 250.

Mr. GRAHAM. He answered just now, or at least the interpreter said he did, that there were about 50 present at the council that was held.

The INTERPRETER. That was the last question you asked him.

Mr. GRAHAM. Ask him any way you will, how many persons attended the council about which Judge Burch has been inquiring.

A. There was lots of men; I didn't count them.

Q. Well, can't you give us your best judgment, whether there were 20 or 50 or 100 or 500?—A. I would think there was about 50—the house was full where we gathered.

Mr. BURCH. Mr. Chairman, I am now convinced that the trouble lies in the lack of mathematical comprehension or capability on the part of the witness.

Mr. GRAHAM. Well, perhaps we are wasting time in getting a matter that we all know. If there were five or six thousand people in the reservation, somewhere about one-fourth would be adult men, and one-fourth of 6,000 would be 1,500. So that it would be safe to assume that there would be 1,000, men on the reservation who would have the right to sit in a council. He has answered us that there were about 50, in his judgment, present. So that after all we have substantially a means to get the information we needed, but I despair of getting him to tell us what might have happened if all who had the right to attend, not less than 1,000, were actually present.

Mr. BURCH. Now, Mr. Chairman, if you will allow me, I will pass over the ground of what did happen. I have but very little doubt that Mr. Walters is fair minded, at least I have reason to think so, and I think I can very readily get at what did happen.

Mr. GRAHAM. Mr. Interpreter, will you ask the witness to have his answers as short as he conveniently can?

The interpreter interprets the remarks of the chairman to the witness.

Mr. BURCH. Did you attend all the sessions of McLaughlin's council?

The WITNESS. Yes.

Q. How long did it last?—A. Three days. Two or three days.

Q. How many full bloods were there?—A. There were full bloods, but I didn't count how many there were.

Q. Was Mr. Wright there?—A. Yes.

Q. Was there full opportunity given for talking, for expressing opinion?—A. Yes.

Q. Did Mr. McLaughlin finally put it to a vote whether they would have the old allotment or a new one?—A. Yes.

Q. Before he did that, did anybody ask for time to send out and get in the full bloods and others to come in and vote?—A. No.

Q. Did you understand Pin-de-gay-ge-shig did not ask for the privilege of getting more men to come in there and vote, people who were not yet there, to come in and vote—send runners out and get men to come in and vote?—A. No.

Q. Did Maj. McLaughlin hold any other council except this one?—A. All I know is that he was there at the council. I don't know whether there was any other council held or not.

Mr. BURCH. Now, if it please the committee, it is now 5.20. Do you desire to continue? I think perhaps this witness ought to rest over night and have an opportunity to rest. I am more or less convinced that he is rather dazed by the questions that we have put and puzzled by them, and perhaps by morning it will be different.

Mr. GRAHAM. Well, we could not very well dispose of him to-night anyhow.

Mr. BURCH. I think not. Very well.

Mr. GRAHAM. Mr. Interpreter, inform Mr. Walters that he will be needed again at 10 o'clock to-morrow morning.

Recess until 10 o'clock to-morrow morning, January 27, 1912.

WHITE EARTH RESERVATION

No. 12

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 27, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk*.

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Saturday, January 27, 1912.

Present: Mr. Graham (chairman), Mr. George.
Appearances in person and by attorney, same as previously.

BYRON F. CARR, sworn by the chairman, testified.

Examined by the Chairman:

Q. State your full name.—A. Byron F. Carr.

Q. Where do you live?—A. Sauk Center, Stearns County, this State.

Q. Whereabouts is this?—A. It is about a hundred miles west of here.

Q. It is not in the direction of the White Earth Reservation, then?—A. No, sir; it is nearly a hundred miles south of the White Earth Reservation, I should judge.

Q. What is your business?—A. Cruiser, cruising, estimating timber.

Q. Is that all that the name means or implies—estimating timber on the ground?—A. Oh, no; scaling, and nearly everything connected with timber.

Q. What is scaling?—A. Scaling, or measuring the stumps, measuring the logs on timber that has been cut. They measure the top of the stump; where the timber is cut they scale the logs and find out the number of feet.

Q. Is it so named because the timber or log bears a certain proportion to the amount of lumber in it—why do you call it "scaling?"—A. Yes, we have a scale where we put it on to the end of it, and that gives the number of feet supposed to be in the log.

Q. How long have you been in that business?—A. More than 35 years, off and on.

Q. Does it require study as well as experience to be expert in that business?—A. A person in order to become a good estimator must estimate timber and have it cut and sawed. It is almost impossible to know what there is of timber in a tree unless you have seen a great many of them sawed. In that way you can get very close to what there is.

Mr. BURCH. You mean what there is in standing timber; that you can in that way get close to the amount there is in standing timber?

The WITNESS. Yes, sir.

Q. What you mean, then, is that after an estimator has made his estimate he should, for a good while, watch how the estimate works

out, so as to have a guide for future estimates by that experience?—A. That is the best way.

Q. Did you go at it that way?—A. No, sir; I first began running lines for homesteaders in 1865, when the country was new. That is the way I got to cruising, and then afterwards I got to estimating their timber for them and worked in a sawmill—when I was quite a small boy my father run a sawmill for many years—scaled logs and saw them sawed. I have scaled a thousand feet of logs and then measured the boards after they were cut.

Q. With what result? How long did you—or, rather, how near did you come to the proper amount of lumber in a log?—A. It will overrun. You can scale a thousand feet and it will overrun all the way from 20 to 30 per cent.

Q. In scaling I suppose you make some allowance on the side of liberality; that is, you would rather have the log measure out more than you scale, rather than less?—A. They do always; yes.

Q. Do you consider yourself an expert in that business?—A. I think I am; an average man, at least. I don't have to wait for jobs; I always have jobs waiting for me.

Q. Have you done a large amount of work of that kind in your time?—A. Yes, sir; I have.

Q. Are you still in that business?—A. Yes, sir.

Q. I suppose you have done some scaling at White Earth, have you?—A. Yes, sir; I have.

Q. How recently?—A. This last fall.

Q. For whom?—A. For Judge Long. Judge Long had charge of the work—that is, I reported to him.

Mr. BURCH. The United States, you mean?

The WITNESS. Yes; we were working for the United States Government.

Q. Are you regularly in the Government employ?—A. I have been for three years on this reservation. No, sir; I am not. I am just employed six months at a time, is all.

Q. I notice you wear a brass button. Are you a soldier of the Civil War?—A. I was a soldier in the Indian war, from 1862 to 1865, in Minnesota.

Examined by Mr. BURCH:

Q. Mr. Carr, when you told the chairman about "overrunning" do you mean to imply that the mill cut, or the cut of actual lumber from the logs scaled, generally overruns from 20 to 30 per cent?—A. Yes, sir; and in some cases 40 per cent.

Q. I think that might seem strange if I didn't call out for the committee how that arises. In lumber circles you have two different rules—that is books—with the amount of contents of the logs of certain size, do you not?—A. Yes, sir.

Q. One is called the Scribner rules?—A. Yes, sir.

Q. Devised by a man by the name of Scribner?—A. Yes, sir.

Q. The other, the Doyle rule?—A. Yes, sir.

Q. Either of those is sometimes used?—A. Well, not the Doyle rule; that is not used in Minnesota now, I don't think.

Q. It has been?—A. It has been; yes.

Q. One of those rules is more favorable to logs of large dimensions, the other more favorable to logs of smaller dimensions, is it not?—A. Yes.

Q. Will you state which?—A. The Doyle rule is more favorable to the large logs.

Q. That is——A. It gives more measurement in the logs.

Q. Higher measurement than the Scribner rules of the contents of the log?—A. Yes; but the small logs in the Doyle rule is cut away down to one-third less than the Scribner rule.

Q. Now, about the Scribner rule, is that less favorable to large logs than to small ones?—A. Yes. The rule adopted in Minnesota is the Scribner rule.

Q. By law?—A. I am not sure about that.

Q. By custom?—A. I think it is by custom, although the rule they make is called the Minnesota standard. It is in this country.

Q. When you say that the mill run or mill cut often overruns, overruns the scale, by rule, either on the bank, or in the woods, the scale of the logs, or the stumps, or whatever you mean—you mean that, giving it according to these rules—A. Yes.

Q. In your scaling it is found that the mill cut exceeds, by from 20 to 30 per cent—is that it?—A. Yes.

Q. Perhaps I am boring the committee, but I would like to have them understand how it is, because it becomes somewhat important.

The CHAIRMAN. Do you mean that a certain rule is more favorable to the log than another one? Do you mean that it makes it estimate more lumber in the log?

Mr. BURCH. Yes, they do; according to the judgment of the estimator, and after that the rule as to the contents of the logs, makes a larger amount of timber in a log of the same dimensions.

The CHAIRMAN. I just wanted to define "favorable," as you use it.

Q. Now, Mr. Carr, I wish you would turn your attention to that map. Do you know it?—A. Yes, sir.

Q. You are familiar with that map?—A. Yes, sir.

Q. How early did you go on to the territory embraced in that map?—A. I think it must have been in 1894 or 1895. Along there somewhere.

Q. 1894 or 1895?—A. I think so.

Q. For what purpose?—A. I went with an estimating corps that went on.

Q. For whom?—A. The United States Government.

Q. Under whose charge?—A. Mr. Douglass, the name was.

Q. Where does he live?—A. He was then at Thief River Falls. He was a Wisconsin man.

Q. Do you remember his initials?—A. A.; Andrew, I think.

Q. He is now dead?—A. Yes, sir.

Q. Committed sucide?—A. Yes, sir.

Q. And the party going out. I won't ask you for the names, but how large was the party you were with?—A. I think there were 26 men.

Q. In the field?—A. I think so.

Q. You were then a competent man to judge of the actions of men in estimating?—A. Oh, I thought so.

Q. What was the character of that party as to expertness?—A. There were very few of them that were competent men.

Q. How many, perhaps?—A. Four or five, perhaps.

Q. Was Mr. Douglass a competent man?—A. Mr. Douglass? No, sir.

Q. He was not, himself?—A. No, sir; he was not.

Q. Do you number yourself among the competent men?—A. I think I was competent. I had just quit the N. P. I had worked for them for three or four years. They gave me the very best recommendation I could possibly get.

Q. Who was the other competent men?—A. A man by the name of Chase.

Q. Where did he live?—A. Brainerd, Minn. A man by the name of Wolfe, W. W. Wolfe, of Motley, Minn. I considered him a competent man.

Q. And who else?—A. There was a man by the name of Harmon, from Wisconsin. John C. Harmon.

Q. How about these other men?—A. They were men who had never had any experience. They didn't claim to know anything about timber. In fact, some of them didn't know a basswood from a pine; in fact, they had never been in the timber, always lived in the cities; they were clerks and students and that class of people that had never worked in the timber.

Q. In your judgment were they mainly honest?—A. I think they were honest, but they had had no experience, and they didn't know just what to do.

Q. What did they do; that is, will you tell the committee how they acted in the so-called "estimate" of this timber?—A. I think there was forties that they never saw that was reported; they were afraid they were going to get it too high. They seemed to work on that altogether, that they were going to get the estimate too high. I went with Mr. Douglass and estimated two or three forties that they had already estimated, to see how they were estimating, and found them all too low.

Q. Your opinion was that they were honest, but incompetent?—A. I think so. I think they were honest men. I don't think there was ever any job put up for them to estimate. In fact, they could not, because they did not know how to form an estimate of timber.

Q. Now, respecting what they did accomplish in that estimate, how would you designate it? What would you say of it as a real estimate?—A. Oh, I would not consider it an estimate at all.

Q. What would you consider it?—A. It was sort of guesswork. It was not even approximate. They didn't guess good at the timber.

Q. As a whole? Do you mean as a body?—A. As a whole.

Q. Do you remember the amount of timber they found on these four townships?—A. I don't; no, sir.

Q. You never knew, exactly?—A. No, sir; I never knew. We made our reports that we finally give to a man by the name of Reed, and he forwarded them to Mr. Douglass at Thief River Falls.

The CHAIRMAN. In the work of making, of scaling or estimating, I should say, does each person work independent of all the others?

The WITNESS. That is the way they were supposed to work; but they didn't work that way.

Q. Is there any way by which a person who is not an expert might be of use—for instance, in taking down numbers, or doing things he was instructed to do by an expert?—A. Oh, yes.

The CHAIRMAN. Did your party work that way, or did these inexpert persons go on and estimate just as if they knew how to do it?

The WITNESS. They were supposed to do that; they were all in parties by themselves; they were divided into parties of three; each one supposed to estimate the timber separately and not to compare the different estimates, but send them in as they had estimated.

Mr. GEORGE. Each party?

The WITNESS. There was a party of three, and each one of these parties, each separate individual, was supposed to make his estimate on the timber.

The CHAIRMAN. They estimated the same land and the estimate of each was to act as a sort of corrective on the others?

The WITNESS. They were not supposed to know each other's estimate.

The CHAIRMAN. But when they got into the office, they were there compared, and an average made of the three?

The WITNESS. Yes, sir; and no two men will estimate a piece of timber just alike, hardly; and these estimates were all compared; in fact, they all three went together, as a rule; but their estimates were compared and agreed on, and each estimate was made the same. I saw quite a number of them.

Q. Upon the hypothesis that the timber in the four townships was estimated at seventy-six or seven million of feet, what would be your best judgment as to the probable amount of timber in the four townships which were so estimated?—A. That is a pretty hard question; only being along in one township; I was not over all the towns; I only worked in one township,

The CHAIRMAN. What township were you in?

The WITNESS. I was in 145—37.

Q. Is that the southernmost township?—A. One hundred and forty-six is the top.

Q. And you were in the center one?—A. Yes, sir.

Q. You didn't get into the two lower ones?—A. No, sir. We were only there a short time. There were so many of us.

Q. How long were you there?—A. I don't think we were there over 8 or 10 days.

Q. Give your best judgment of what there probably was there, what you saw, upon a basis of 76,000,000. Give your best judgment of what they guessed or what they found there—about what there would be in proportion.—A. Well, I never have seen the estimate, or anything about what there was in these townships.

Q. That is why we want your best judgment. We have had one estimate.—A. There must have been more than that.

Q. How much more, I ask you?—A. I don't believe that was half the timber there was on these four townships.

Q. Then, in your opinion, there may have been 152,000,000 instead of 76,000,000—there might have been?—A. Yes; there was some very good timber there. I, of course, not going through it, but it seems to me there must have been more than that.

Q. Did you know of the presence there of large numbers of estimators there, for private companies—that is, other than the Government?—A. Oh, yes, there was some of them there at that time.

Q. Some of them were? Did you know of the estimators of the Akeley Lumber Co.?—A. Well, I knew some of them; yes, sir.

Q. Hatcher, do you know him?—A. Will Hatcher, yes.

Q. And Depew?—A. Yes.

The CHAIRMAN. There is no one keeping them fro
ant to be here.

Mr. BEAULIEU. Now, this is an affidavit gotten u
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Q. He has been a time?—A. I don
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Q. Where is it now?—A. I don't know, sir.

Q. Did you file it with the Indian Department at Washington?—I understand the records have been turned over to the Departnt of Justice, and I have not had occasion to refer to them since t time.

Q. Did he have access to the estimates filed by other estimators?—I think not; not that I know of; they were filed at White Earth, he Indian office.

Q. So far as you know, then, his selling of estimates was confined to e estimates he made himself?—A. Yes, sir.

Q. Do you know whether he sold all the estimates he made?—A. I 't know.

he CHAIRMAN. How much estimating did he do?

he WITNESS. According to his testimony, he had estimated the of the four townships and part of the other townships.

. What I mean was, did his estimate include all of these town-s, except the last, which he only partly estimated?—A. I could ay as to that, but I judge all the valuable timber in those town-s. In other words, he testified that he was employed there 44 doing that work.

. BEAULIEU. Mr. Chairman, will you ask these questions? I have of questions I would like to have asked of Mr. Linnen, so that n be prepared.

e CHAIRMAN. Would you prefer that I do it, or will you do it elf?

. BEAULIEU. I would prefer that you do so [Mr. Beaulieu hands f questions to the chairman].

Examined by the CHAIRMAN:

CHAIRMAN. I will read Mr. Beaulieu's questions to you.

Did you and Mr. Moorhead confine himself to only one faction you question all interests among the Indians?—A. The inves-n made by Mr. Moorhead and myself was for the purpose of aining the true conditions existing on the reservation; we ques-all persons whom we believed would give us the information, rticular purpose being to ascertain who were full bloods and ere not full bloods, and what full bloods and what minors had eir lands and their timber. We did not endeavor to ascertain acts from the mixed bloods, because under the law the mixed had the right to sell; the adult mixed bloods.

Did you make any investigation in the village of White Earth, a large number of persons of one faction were residing?—A. d an investigation at White Earth running over a period of o or three weeks.

Who were your interpreters while you and Mr. Moorhead were ating conditions at White Earth?—A. We had two or three ters; one, as I recall, was named John Lufkens; another, I was Charley Moulton, and possibly we had another inter-we had different interpreters at different times.

Q. Any besides them?—A. I am well acquainted.

Q. Were they pretty competent men?—A. Yes, they were pretty competent men; I considered them both good men.

Q. If these men estimated 120,000,000 to 130,000,000 feet, how far would you bank upon their judgment?—A. If I was going to buy timber, and every one of those men told me what there was there, I would consider it right. I would not be afraid to buy on their estimate.

Q. Well, now, of course, that is about all I desire to ask about that. It was in testimony here, I think, by Mr. Lynch, that Hatcher and Depew did the estimating for the H. C. Akeley Lumber Co., and this gentleman has expressed his opinion of this question, and that they made it 120,000,000 to 130,000,000 feet, I think.

The CHAIRMAN. Any of the gentlemen present wish to question Mr. Carr?

Mr. BEAULIEU. I would like to ask a few questions.

Examined by Mr. BEAULIEU:

Q. Did the same corps that estimated the timber in the White Earth Reservation also estimate the timber on the Red Lake?—A Yes, sir; that was a second crew.

Q. Was the pine timber sold by the Government under the estimates made by the corps you were associated with?

Mr. BURCH. Red Lake timber?

Mr. BEAULIEU. Red Lake timber.

Mr. BURCH. Well, Red Lake is not in evidence here, but we want the facts.

The CHAIRMAN. It is proper. It may be in that way shown that these gentlemen were not estimaters.

The WITNESS. I don't know; I was not here; I went away as soon as we quit that work, to work for another party.

Q. Do you know when the Crookston pine sale took place?—A. Yes, sir.

Q. You knew when that took place, did you?—A. I knew that there was a sale there, yes.

Q. Were you then in the Government service?—A. No, sir; I was working for a milling company. At that time I went right from the reservation to work for this company. As soon as I left the reservation I went to work for that company.

Q. Do you know when that took place?—A. I do not.

Q. Did you know J. George Wright when he made the investigation?—A. Yes; I did.

Q. Did you make an affidavit at that time?—A. Yes, sir.

Q. Can you recall what it contained?—A. No, sir; I do not.

Mr. O'BRIEN. I have that report. I will bring it down here.

Mr. BEAULIEU. Mr. Carl has just gone after it.

Mr. BURCH. We expect to offer it.

Mr. BEAULIEU. Then, that is all.

Mr. BURCH. Anybody else?

The CHAIRMAN. That is all, Mr. Carr.

Mr. BEAULIEU. Just one more. Was there any collusion between the estimaters that were of the crew you were associated with and the lumbermen when the sale took place?

The WITNESS. No, sir; I do not believe there was anything of that kind.

Mr. BEAULIEU. That is all.

E. B. LINNEN, recalled, testified.

Examined by Mr. BURCH:

Q. Just a moment, Mr. Linnen.

Mr. BURCH. The testimony of Mr. Carr, I wish to have it stated on the record, is in connection with the four township matters. The present witness's testimony will be at this time in connection with the additional allotment matter.

Q. Mr. Linnen, in the course of your investigations while at White Earth in the summer time of 1909, did you have occasion to inquire into the matter of minutes being sold or disposed of irregularly, and, I may say, by employees of the Government?—A. Yes, sir. I ascertained that a certain person, who had formerly been a timber cruiser in the employ of the Government, had retained copies of his notes showing the amount of timber on various tracts of land, and had subsequently sold those minutes to various persons for a consideration.

Q. This was upon the diminished reservation in the four townships?—A. Yes, sir.

Q. Now, I would like to have you read, and we will offer——

The CHAIRMAN. Do you remember the name of the person who—Mr. Burch, do you think the name of that person should be in the record in connection with this?

Q. What was the name of the man?—A. The name of the man was Frank Smith.

Q. Do you have the sworn statement that you took from him there at that time as inspector?—A. Yes, sir; I have.

Mr. BURCH. I will pursue the same course, letting him read to the committee that affidavit, and putting the original affidavit itself in evidence.

The CHAIRMAN. That is, reading so much of it as will be necessary to carry the story?

Mr. BURCH. Well, yes; upon that subject, yes.

The WITNESS. Shall I read the whole of it?

The CHAIRMAN. Before going into that, some one may read the record who has not followed it as closely as we have, and when you speak of this Mr. Frank Smith selling the minutes, of course "minutes" mean the description of the various 40-acre tracts and the amount of timber probably on them?

WITNESS. Yes, sir.

Mr. BURCH. Estimated to be on them? You may read to the committee that sworn statement.

The WITNESS (after identifying the statement). These are in questions and answers.

Mr. GEORGE. By whom are the questions asked?

The WITNESS. By me as inspector.

Witness reads the sworn statement of Frank Smith.

Mr. CARL. Mr. Chairman.

The CHAIRMAN. Mr. Carl.

Mr. CARL. I want to say, as a representative of the Indian tribe of Minnesota, that I don't believe it is a fair shake for the Indians to have anything like that read before this committee when they are not here. I think they should be given a chance to be here.

The CHAIRMAN. There is no one keeping them from coming, if they want to be here.

Mr. BEAULIEU. Now, this is an affidavit gotten up from simply the questions of the inspector and the answers of Mr. Smith, and if Mr. Smith was here himself he might testify differently; he is at the White Earth Reservation; we can bring him down.

Mr. BURCH. We expect to put him before the committee.

The CHAIRMAN. Is there any reason why he can not come before the hearing concludes?

Mr. BEAULIEU. Of course, we haven't the funds to pay his expenses to come down.

The CHAIRMAN. You don't seem to catch on to the usual way of producing evidence in this way. You have been told a number of times that you would have an opportunity to refute any testimony and that there would be a reasonable opportunity to rebut any evidence produced now. We can not stop evidence from coming in; it is proper to be heard here, and it is proper for you, if you think it is adverse to your interests—it is for you later on to produce other evidence to combat it.

Mr. BEAULIEU. This is only a reflection against Mr. Smith. Do you think that could be introduced in a court?

The CHAIRMAN. This is not a court, but I think it could be introduced into a court, in its proper place. We will not discuss it further now.

Examined by Mr. BURCH:

Q. Is this the man whose buttons you summarily cut off his coat?—A. Yes, sir; he was at that time a policeman, and I demoted him by cutting the buttons off his coat, and recommended at once that his services as policeman be revoked, and it was very promptly done.

Mr. LINNEN. You have reason to believe that he is on the reservation where we can procure him at this time as witness?

The WITNESS. Well, of course, I have not been up there for some time—some two or three years.

Mr. BURCH. Mr. Beaulieu says he is; we will endeavor to procure his attendance and subpœna him in connection with this affidavit before we close.

Examined by the CHAIRMAN:

Q. This affidavit shows that he was chief of the Indian police there?—A. Yes, sir.

Q. For how long a time?—A. I don't know how long he had been chief; for some months, and I think possibly a year or longer—

Q. Is he a mixed-blood Indian?—A. He was; yes, sir.

Q. How much Indian?—A. I should say he was less than half.

Q. Was he also a timber estimator?—A. Yes, sir; he was an intelligent man and was capable of estimating timber; at least, he had done that work, or claimed to be.

Q. If the affidavit states—I did not quite catch it. Does the affidavit state whether he sold to others only his own estimates, or whether he got estimates of others and sold them also?—A. I don't know that the affidavit states that, but my undertanding was this: He had a copy for his own use; a copy of the estimates which he had made for Government purposes, for which he had been paid $6 per

diem, and he had a book, a little book, showing the township in which he has the various pine descriptions marked, and on the opposite page the amount of timber and what class of timber, and I made him produce that book, and I took that book from him and filed it with my other exhibits.

Q. Where is it now?—A. I don't know, sir.

Q. Did you file it with the Indian Department at Washington?—A. I understand the records have been turned over to the Department of Justice, and I have not had occasion to refer to them since that time.

Q. Did he have access to the estimates filed by other estimators?—A. I think not; not that I know of; they were filed at White Earth, in the Indian office.

Q. So far as you know, then, his selling of estimates was confined to these estimates he made himself?—A. Yes, sir.

Q. Do you know whether he sold all the estimates he made?—A. I don't know.

The CHAIRMAN. How much estimating did he do?

The WITNESS. According to his testimony, he had estimated the land of the four townships and part of the other townships.

Q. What I mean was, did his estimate include all of these townships, except the last, which he only partly estimated?—A. I could not say as to that, but I judge all the valuable timber in those townships. In other words, he testified that he was employed there 44 days doing that work.

Mr. BEAULIEU. Mr. Chairman, will you ask these questions? I have a line of questions I would like to have asked of Mr. Linnen, so that we can be prepared.

The CHAIRMAN. Would you prefer that I do it, or will you do it yourself?

Mr. BEAULIEU. I would prefer that you do so [Mr. Beaulieu hands lists of questions to the chairman].

Examined by the CHAIRMAN:

The CHAIRMAN. I will read Mr. Beaulieu's questions to you.

Q. Did you and Mr. Moorhead confine himself to only one faction or did you question all interests among the Indians?—A. The investigation made by Mr. Moorhead and myself was for the purpose of ascertaining the true conditions existing on the reservation: we questioned all persons whom we believed would give us the information, our particular purpose being to ascertain who were full bloods and who were not full bloods, and what full bloods and what minors had sold their lands and their timber. We did not endeavor to ascertain those facts from the mixed bloods, because under the law the mixed bloods had the right to sell; the adult mixed bloods.

Q. Did you make any investigation in the village of White Earth, where a large number of persons of one faction were residing?—A. We held an investigation at White Earth running over a period of some two or three weeks.

Q. Who were your interpreters while you and Mr. Moorhead were investigating conditions at White Earth?—A. We had two or three interpreters; one, as I recall, was named John Lufkens; another, I think, was Charley Moulton, and possibly we had another interpreter; we had different interpreters at different times.

Q. Do you know any other persons employed; and if so, who were they, and how much did you pay them?—A. We had employed some of the old witnesses, the old chiefs, the older people who knew the ancestors of these people that we were inquiring about, to establish the fact as to whether or not they were full bloods. We had old Indian men and old women, the leading medicine men and leading chiefs of the different bands, who were prominent men in their tribes, and whom we had every reason to believe were honest and upright and who knew the ancestors of these people; who could testify as to who their fathers were and as to other matters; as to who their grandparents were, to determine whether or not they were full bloods, and those old witnesses, of whom we had some six or eight sometimes, and sometimes as many as a dozen, at the various points on the reservation at all times, we paid, as I now recall it, $1 a day to these people.

Q. How long were you employed in the investigations of the White Earth matter?—A. From about the 16th of July until about the middle of October, of 1909. I may say, however, that Mr. Moorhead left White Earth a week or 10 days, possibly two weeks, before I did: I investigated other matters which he did not, to wit, the boarding schools, and the agency proper, and the day schools, and the conditions with which he had nothing to do.

Q. Did you offer as an inducement that if the Indians would say they were full bloods they would recover the lands that they had sold?—A. I positively never did, sir. It was always made clear to the Indians, and there was scarcely a day during that investigation that the old witnesses were not instructed by me, and told by me that what we wanted was the absolute truth and the facts; that it was not our purpose to try to make anybody a full blood if he was not a full blood; that we had absolutely no reason to do anything like that; we wanted simply the truth and the facts, and if any person came before them whom they believed to have a drop of white blood, or negro blood, in their veins, to so inform us, and on numerous occasions—hundreds of occasions—such people did appear before us, and as soon as it was ascertained from any source, from any witness, that that person had any white or negro blood in his veins, we at once stopped any further investigations as to that, and referred him, if he had lost his property by fraud, to Mr. Richardson, who, we understand, at that time was the attorney for the White Earth Indians.

Q. Did Mr. Moorhead make any such statements to them that you heard?—A. He never did in my presence and he always concurred with me in the same statement that I made, to wit, that we simply wanted the truth and the facts.

Q. Did you say anything to them that might lead them to place such construction on your language; that is, that if they were full bloods they could get their lands back?—A. The question might have been asked whether if they were full bloods they could obtain their property back, and of course in all such instances as that, if they were full bloods, under the law they had no right to same, but I never held out any inducements of any character to them.

Q. What can you say of Mr. Moorhead in that regard?—A. I believe he would answer as I do in that respect. I never heard him make any promises or hold out any inducements.

Mr. BURCH. He will be introduced before the committee.

The CHAIRMAN. But not in this connection.

Mr. BURCH. Well, if the committee desire, I would ask him to come here; I would prefer, and he would probably prefer, to be before the committee at Washington where he can be fully cross-examined.

The CHAIRMAN. Well, in Washington, anyhow.

Mr. BURCH. In Washington, anyhow.

Q. Did you hold a large number of meetings with the Indians at Pine Point, at Twin Lakes, at Beaulieu, and did you hold any meetings at the village of White Earth?—A. We conducted investigations at Pine Point, at Beaulieu, at White Earth, and the other points I mentioned.

Q. At Twin Lakes?—A. Yes, sir; and the investigation at each point and each place was substantially the same; we simply sent out to get the full-blood Indians whom we supposed to be the full-blood Indians, and the minors, to come before us, and establish their dissent and aid the witnesses there to testify intelligently with relation to them; they were the same class of meetings or investigation at each point and at all times.

Q. Did you attend any general councils at White Earth?—A. My recollection now is that there was a council meeting held at White Earth during the time I was there; whether it was a regular council meeting called by the agent or not, I couldn't say; I recall attending such a meeting as an observer for an hour or two on one afternoon; I took no part in it whatever.

Q. Were you not on the council that commenced on June 17th and which adjourned twice, and which closed on or about August 17th at White Earth?—A. Well, as I have stated, I spent a little time one afternoon at some council at White Earth, without taking any part in it, but I don't just recollect the date.

Q. Was Agent Howard present at any of these meetings at White Earth?—A. During the period that I was present, on the afternoon as stated, I don't recall seeing Superintendent Howard there.

Q. Do you know whether he was represented constantly at those meetings?—A. I don't know, sir.

Q. During the meeting of this council at White Earth, did the Indians vote upon the question of continuing the employment of Mr. C. E. Richardson, who was then their Washington agent?—A. I didn't see them vote on such matters, but I understood from some source that there had been such a vote.

Q. Do you know what the result of that vote was?—A. No, sir; I don't.

Q. Nor how many favored his employment and how many opposed it?—A. I don't know, sir.

Q. Do you know whether the question of trying to get a settlement from the Indian Office by a detailed accounting was discussed or not at that meeting of the council?—A. I don't know, sir.

Q. Or whether Mr. Richardson's previous actions on behalf of the Indians to get this accounting, having a bill introduced in Congress to that effect didn't cause the Indian Office displeasure and opposition to him—Richardson?—A. I don't know, sir.

Q. Did you or Mr. Moorhead favor the employment of Mr. Allen as attorney for the White Earth Indians?—A. I couldn't state for

Mr. Moorhead, but I know this: I took no part or action whatsoever in connection with it.

Q. Didn't you hold a council of the Pine Point Indians and authorize this, that is, his employment, and not notify those at White Earth, Mahnomen, Calloway, Ogama, Wauban, Beaulieu, and in fact all the principal villages where those who favored Mr. Richardson resided; that a council would be held at Pine Point to authorize the appointment of the agent?—A. I have no knowledge of any such occurrence. My recollection is that there was at the gathering a large number of Indians whom we had there to take testimony; they may have expressed some wish or desire in that connection, but I took no part in it, and I don't recollect now just what the circumstances were.

Q. You stated that changes had evidently been made in the tract books of the allotments. Can you give the names of those who appeared on the tract book and finally got the land?—A. My Exhibit A will show all that, and the tract books will be here to correspond with them, as I understand it.

Mr. BURCH. The tract books are now here and as soon as we can have a chance to examine them, probably to-day or Monday, they will be presented to the committee.

The CHAIRMAN. You may renew your question when the tract books are present.

Mr. BEAULIEU. Yes, sir.

Q. Can you state when the allotments were made which cover the tracts which appear to have been changed?—A. The tract books themselves would be the best evidence as to that, Mr. Chairman.

Q. I think so. During your investigations at White Earth did you not learn that the mixed bloods, against whom you made a report, had done more to aid the full bloods to get allotments that were valuable than anyone else except possibly Agent Michelet and the Government farmers, named Fairbanks and Gus H. Beaulieu?—A. To start with, I didn't make any point of making any report against any mixed bloods; I simply stated in my report the facts, without regard to whom it involved, whether it was a mixed blood or a white man or a full blood; and with relation to the persons who assisted the full bloods, I never learned that any persons took any particular interest in assisting those full bloods; I have yet to understand that and to believe it. My idea was, and is, that the full bloods didn't have any minutes of the pine lands and have no one to assist them and that it made no difference whether they got into that office before the mixed bloods or not; that that land had been selected in advance and penciled on the tract book, the valuable tracts, and if an Indian had the minutes of that land, it would be stated to him that it had been filed on. That is what I have always believed and do still; I believe they had no assistance except in isolated cases like George Walters spoke of yesterday, where his brother-in-law favored him with minutes and possibly one or two of the chiefs had fairly good tracts of timber given them, but generally they didn't get them, and I don't believe they had anybody to assist them; I have never learned so.

Q. Did any of the Indians charge that either Ben Fairbanks or Gus Beaulieu had not paid the full amount agreed upon for the pine timber——A. Yes, sir.

Q. That Fairbanks sold to the Nichols-Chisholm Lumber Co?—A. Yes, sir; the affidavits showing those facts, making those statements.

Q. Did you investigate that matter carefully?—A. I took only the evidence of the Indians who claimed to know: they said they were promised so much money and they only got so much, and there was so much due them.

Q. Did the Tomahawk newspaper, published at White Earth, and owned by Gus Beaulieu, criticise you and Mr. Moorhead for saying to the Indians that if they would declare themselves as full bloods they would recover the lands they had sold?—A. I don't recall any such criticism until after I had left that locality; then I believe there was all sorts of foolish charges made in that so-called newspaper.

Q. Did that criticism cause you to bitterly oppose Mr. Beaulieu?—A. I cared absolutely nothing about it, sir; whatever I had to say about Mr. Beaulieu, I had said prior to that time; I simply stated the truth and the facts as borne out by the evidence which I secured at that time; I didn't even know Mr. Beaulieu until afterwards.

Q. Is the report you made or the testimony you give here in any way colored or affected because the Tomahawk criticised you?—A. As I stated before, Mr. Chairman, I made reports—all these affidavits—before the criticism was made, in advance of any attacks, that I recall, of that particular newspaper, and consequently I was influenced in no manner by same.

Q. Did you say to any Sioux Indians at Sisseton, the Sioux Reservation in South Dakota, that the Point Point or any other Chippewa Indians on the White Earth Reservation were such liars that they couldn't be believed?—A. Absolutely no, sir; I never made any such statement. I think in a little address that I made to the Sisseton Indians I did caution them about selling their lands and told them what had happened to their Indian brethren on the White Earth when they sold their land; that they were practically reduced to paupers by reason of having disposed of their lands. I had a kindly feeling, and always have had, for the Chippewa Indians, and I never said anything except what was complimentary as to their tribe.

Q. While you were at White Earth, did you have any occasion to investigate the agency matters generally; and if so, what did you investigate?—A. I investigated agency matters generally, among which were conditions which I may say were brought about by Mr. Beaulieu and by Mr. Carl and by others, and I made reports on them. I have them here and would be very glad to read them to this committee. I made reports on the Indian schools, on the day schools, on every condition practically that existed up there; on the different funds and purpose for which it had been squandered, I may say.

The CHAIRMAN. May I ask the gentleman if it is the purpose to offer the reports Mr. Lynch refers to?

Mr. BURCH. Oh, yes; they will all be offered.

The CHAIRMAN. Did you learn that the Agent Howard had sold school coal to agency employees and used some himself without making any accounting of it to the Government?—A. I learned this, with relation to the coal; that he had done what he said had been customary heretofore, and that was to give the employees at the agency a certain amount of coal each winter which was bought for agency purposes. There was coal brought up to the agent's house

and there was coal brought to the employee's houses up there, and there never was any charge made for it. I reported that matter to the department as to whether or not the employees were entitled to the coal, but what action they took I don't know, but there have since been regulations made in connection with such matters.

Q. Was that coal purchased with and paid for by Chippewa tribal funds?—A. My understanding is, that it was; yes, sir.

Q. Did you make inquiries of Agent Michelet, who made the changes on the tract books that you charge he made?—A. I never met Agent Michelet in my life. I don't know the gentleman except by sight. The first time I ever saw him, yesterday, was in the court room here, and as to my living in Minneapolis, I have been here probably two weeks, since my family have been here only. They didn't live here at the time I made that investigation, but lived in Salt Lake, Utah.

Q. Did you learn while you were at White Earth that the Tomahawk had occasionally criticised Agent Michelet regarding his administration at White Earth?—A. No, sir; I didn't learn anything about it.

Q. Did you know from any source that the relations between the editor and publisher, Mr. Gus Beaulieu, and Mr. Michelet were not very friendly?—A. I didn't know anything about it.

Q. Do you know whether the estimates made by Frank Smith were made by him after the allotting under the Steenerson Act?—A. The estimates which had been made by numerous cruisers, which I found on file in the Indian Office at White Earth, my understanding was, that they were made prior to the allotting. I was so informed by Agent Howard, by Clerk Dennis, and other employees, that those minutes were there prior to the allotting, and on asking why, the statement was made to me that it was the original purpose to sell the pine lands and that estimates had been made to determine how much timber there was on the various tracts in order that it might be put up and bid upon. Subsequently that was changed to allotting and so my understanding was, and is, that those estimates were made prior to the allotting, and, I was informed, were on file there prior to the allotting.

The CHAIRMAN. If there are no additional questions you wish to ask, this concludes your list, Mr. Beaulieu.

Examined by Mr. BEAULIEU:

Q. Do you know, Mr. Linnen, when Mr. Davis went up there—what date he went up there and made his investigation?—A. I don't know anything about it, sir.

Q. You don't know at all?—A. I don't know anything about Mr. Davis or any estimates that he made.

Q. Was Mr. Smith employed by Mr. Davis, that you know of?—A. I don't know, sir; except that he testified to me he was employed by the Government and was paid $6 per day.

Q. You didn't know anyone who was at the head of this corps at that time, did you?—A. No, sir; I presume he had been employed under the agency; I didn't know any different.

Mr. BEAULIEU. That is all.

The CHAIRMAN. Anyone else desiring to question Mr. Linnen at this time?

Mr. BURCH. That is all, Mr. Linnen, at this time. We expect to recall him later. Mr. Chairman, I may necessarily be obliged to recall

witnesses from time to time, upon the subheadings in my statement heretofore gone over, but can not wait for them now, so that we will proceed to the letter which has been denominated Series 7 of the hearings as the "First grab."

The CHAIRMAN. "The First Grab for the Pine" is the subheading.

Mr. BURCH. My associate will take that matter up.

Mr O'BRIEN. We have endeavored to show, and I think successfully, the legislation of 1904, one act, providing the means by which the Indians secured the timber, and the other act, practically simultaneous with it, providing how the Indians should be permitted to sell it. We have shown how the pine was allotted, under the provisions of the Steenerson Act, by which the favored Indians, generally the mixed bloods, got the best pine. We will now show the proceedings under the Clapp "rider" of 1904, which has been called in the hearings the "first grab for the pine."

I have here the original files of the Indian Office, relative to the sale of the timber on the White Earth Reservation, and I will show you photographic copies, and would like to show the original to the committee and substitute the copies for evidence in the record.

The first document is dated August 3, 1905, addressed to the Honorable Secretary of the Interior, signed C. F. Larrabee, Acting Commissioner, meaning, of course, Commissioner of Indian Affairs.

The paper was marked "Burch's Exhibit No. 37," and read by Mr. O'Brien, being received in evidence, as follows:

BURCH'S EXHIBIT NO. 37.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 3, 1905.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Soon after the first of the year Frederick Herrick, of Lac du Flambeau, Wis., made application to this office for permission to purchase from the allottees of the White Earth diminished reservation the timber on their allotments. He also asked for authority to establish a sawmill on the reservation for the purpose of manufacturing the timber into lumber. March 31, 1905, Agent Michelet transmitted a similar request from the Nichols-Chisolm Lumber Co. Both these communications were referred to General Superintendent of Logging Joseph R. Farr for consideration and report.

Mr. Farr made a report, which is inclosed, recommending that the timber be sold, after proper advertisement, to the highest and best bidder. He believes that a sawmill should be established on the reservation. June 6, 1905, Mr. Herrick addressed another letter to the office relative to the subject and offered to place a sawmill on the reservation at an expense of about $100,000.

Early in June Agent Michelet was instructed to make an estimate of the timber of the different kinds or classes on the allotted and unallotted lands of the reservation. He reported that he would be unable to make the estimate until after August 1, 1905. June 21, 1905, the office instructed Sam B. Davis, supervisor of Indian schools, to proceed to the White Earth Reservation and make a rough estimate of the timber of the different kinds or classes of the lands of said reservation, allotted and unallotted, and I am now in receipt of his report of July 4, 1905, in which he says that there is timber as follows suitable for manufacturing into lumber on said lands:

90,000,000 feet of white pine, 80,000,000 feet of Norway pine, 20,000,000 feet of jack pine, 35,000,000 feet of oak, 20,000,000 feet of elm, 15,000,000 feet of basswood, 10,000,000 feet of maple, 5,000,000 feet of ash.

The allotments heretofore approved were made under and in accordance with the provisions of the act of January 14, 1889 (25 Stats., 642), and additional allotments will be made in accordance with the provisions of the act of April 28, 1904 (33 Stats., 593). The act of Congress approved April 21, 1904 (33 Stats., 189), provides:

"The Chippewa Indians of the State of Minnesota to whom allotments have been or shall hereafter be made, and trust or other patents, containing restrictions upon alienation issued or which shall hereafter be issued therefor, are, with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe, hereby authorized to dispose of the timber on their respective allotments.

Timber on the allotments of minors may likewise be sold by the father, mother, or Indian agent or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interests of said Indians, including such minors."

From the papers before the office it is believed the interests of the Indians will be promoted by authorizing them to dispose of the timber on the allotments heretofore made to them or that may hereafter be made to them under the acts of Congress above mentioned. The office has therefore prepared regulations to govern the sale and cutting of the timber and its manufacture into lumber, similar to those approved by the President December 29, 1902, as amended July 11, 1903, governing the sale and cutting of timber on certain allotments on the Bad River Reservation, Wis., and it is recommended that said regulations be approved and that the office be given authority to direct Agent Michelet to give notice of the willingness of the Department to receive bids for the purchase of the timber, and to publish such notice three times per week for two consecutive weeks in the following newspapers, to wit: The Sentinel (published at Milwaukee, Wis.); the Press (evening edition, published at Ashland, Wis.); the Journal (published at Detroit, Mich.); the Tribune (published at Minneapolis, Minn.); and the Tribune (published at Chicago, Ill.). I have also had prepared a form of advertisement, herewith inclosed, and recommend that it also be approved, if you deem it suitable.

Particular attention is invited to the first paragraph of the regulations which requires the successful bidder to establish a sawmill on the reservation for the purpose of manufacturing the timber into lumber, and provides that the successful bidder shall have the right to purchase timber from allotments heretofore approved and that may hereafter be approved.

All of the papers relating to the case are inclosed.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

PROPOSALS FOR PURCHASE OF INDIAN TIMBER.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth, Minn., August —, 1905.

Sealed proposals, plainly indorsed on the outside of the envelope "Proposals for the purchase of timber on the allotted lands of the White Earth diminished reservation," and addressed to the United States Indian agent, White Earth Agency, White Earth, Minn., will be received until 12 o'clock noon, central time, Tuesday, September 5, 1905, for the purchase on stumpage of all the merchantable timber of the kinds or classes hereinafter mentioned, standing or fallen, on the lands that have heretofore or may hereafter be allotted to Indians of the White Earth diminished reservation. It is estimated that there are 90,000,000 feet of white pine, 80,000,000 feet of Norway pine, 20,000,000 feet of jack pine, 35,000,000 feet of oak, 20,000,000 feet of elm, 15,000,000 feet of basswood, 10,000,000 feet of maple, and 5,000,000 feet of ash on the lands of the said diminished reservation. Each proposal must cover all of the classes above mentioned. Proposals for the timber should be at a rate per thousand feet. Any proposal not covering all of the classes mentioned will not be considered, and the successful bidder will be required to comply in every particular with the rules and regulations approved by the Secretary of the Interior on August 7, 1905, prescribed in accordance with the provisions of the act of April 21, 1904 (33 Stats., 189-209), to govern the sale and cutting of timber on said allotted lands, and each and every bidder must inclose with his bid, as evidence of good faith, a certified check on some solvent national bank, in the sum of $2,500, payable to the United States Indian agent, White Earth Agency. If the successful bidder fails, neglects, or refuses to comply with the terms of his bid within a reasonable time from date of notice of its acceptance, or to furnish sufficient bond, in a sum to be fixed by the Commissioner of Indian Affairs, guaranteeing faithful compliance with the terms and conditions of such contracts as may thereafter be entered into by such successful bidder with the allottees of said reservation, the check deposited as evidence of good faith will be forfeited to the use and benefit of the allottees of the White Earth diminished reservation, Minn. The right to reject any and all bids is reserved. For full information, including a copy of the regulations, apply to the undersigned.

_____,
United States Indian Agent.

Mr. O'BRIEN. I will read now a letter dated August 7, 1905, addressed to the Commissioner of Indian Affairs, signed Thomas Ryan, Acting Secretary.

Paper marked "Burch's Exhibit No. 38," and read, as follows:

BURCH'S EXHIBIT NO. 38.

DEPARTMENT OF THE INTERIOR.
Washington, August 7, 1905.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: I have approved and return herewith the draft of regulations prepared in your office for the cutting and sale of timber on the allotments of Indians of the White Earth diminished reservation in Minnesota, under the provisions of the act of April 21, 1904 (33 Stats., 189), which were submitted with your letter of the 3d instant, and authority is hereby granted for the agent of the White Earth Agency to advertise the said timber by the form of advertisement submitted, which is also approved, three times per week for two consecutive weeks in the Sentinel, of Milwaukee, Wis.; the Press (evening edition), Ashland, Wis.; the Journal, Detroit, Mich.; the Tribune, Minneapolis, Minn.; and the Tribune, Chicago, Ill.

The inclosures of your letter are herewith returned.

Very respectfully,

THOS. RYAN, *Acting Secretary.*

Mr. O'BRIEN. Next is a report of J. R. Farr, general superintendent of logging, made to the Commissioner of Indian Affairs, dated Minneapolis, Minn., November 6, 1906.

Paper marked "Burch's Exhibit No. 39," read, as follows:

BURCH'S EXHIBIT NO. 39.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Minneapolis, Minn., November 16, 1905.

The honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I hand you herewith schedule of the bids received on November 15, 1905, for the sale of the merchantable timber on the White Earth Reservation, Minn.

Bid No. 3 of Mr. Fred Herrick, bid No. 4 of Lyman-Irwin Lumber Co., and bid No. 2 of the Nichols-Chisolm Lumber Co. are the three highest bids on their face. However, bid No. 1 of D. H. Winton is in all fairness equal to bids Nos. 2 and 4, but it is not in any sense as favorable an offer as the one made by Mr. Herrick, and this is clearly evidenced by the bids themselves. Therefore it is not necessary to further discuss bid No. 1, though it is necessary to discuss bids Nos. 2 and 4, for the reason that the bidder in each case has resorted to what is known as sharp practice or trickery or more properly termed dishonesty. Bid No. 3 by Mr. Herrick is clearly and beyond question the highest and best bid; it represents the full stumpage value of each and every variety of timber, and as a whole, all things considered, is the best bid for timber I have ever seen. His bid covers all the varieties of timber included in the specification for sale; he also makes a fair offer for the balance of the timber on the reservation, and his prices are fair, and if the timber is not included in the sale, it will be almost entirely worthless. His bid in every particular is a clean, honest business offer, and covers the full value of the stumpage, and clearly shows his desire to purchase and his intention, if awarded the timber, to cut and utilize each and every variety.

It would not be necessary to refer to bids Nos. 2 and 4 were it not for the fact that in each case they have resorted to unfair methods in an effort to secure the timber without paying what it is fairly worth.

Bid No. 2 by Nichols-Chisolm Lumber Co. is substantially $2 per thousand less for white and Norway pine than the offer of Mr. Herrick. The pine will cut over 300,000,000, which makes Mr. Herrick's bid about $600,000 higher than bid No. 2. In bid No. 2 the price offered for elm is $15, bass $10, maple $15, ash $20. These prices exceed the value of the manufactured product and were offered for the reason that the bidder well knew the amount in feet of these varieties to be very small and far less than estimated to be in the specifications for sale, therefore these offers are from $10 to $20 per thousand more than the stumpage is worth, and even if they were required to cut and pay for the same, they could do so and still have several hundred thousand dollars left from the $600,000 they would save on the price bid for pine. Practically the same condition prevails in bid No. 4, with the exception that the bid of Mr. Herrick on the pine is higher by $750,000 than the price offered in bid No. 4. These two bidders, Nos. 2 and 4, the same as all other bidders, after estimating the timber, found the pine would run far in excess of the estimate mentioned in the specification

for sale and also discovered that the estimates in said specification for the hardwood was much too high.

The pine will cut over 300,000,000; it is estimated in the specifications at 170,000,000. The elm, bass, maple, and ash will cut about 30,000,000, while it is estimated in the specifications at 50,000,000. It will perhaps cut this amount if manufactured along the lines suggested by Mr. Herrick, while it will not cut to exceed 25,000,000 of strictly merchantable saw-log timber, and it would be decidedly difficult to get the parties who made bids Nos. 2 and 4 to cut even this amount of timber for it is clearly evident from their bids that they do not intend to do so and would not where it was possible under any condition or circumstance to evade it.

Mr. Herrick, the same as the other bidders, made a careful examination of the timber on the reservation, and based his bid upon his estimate without regard to the amounts mentioned in the specifications for sale.

The parties making bids Nos. 2 and 4 made the same examination of the timber and discovered the amount of hardwood to be very small and the amount of pine to be nearly double the estimate mentioned in specifications, and not being willing to fairly compete for the timber they make the trick bid hoping to win by virtue of the improper estimate given in the specifications and on the further assumption that the office, department, and other Government officials are ignorant if not dishonest.

In determining the best bid all the timber on the land must be taken into consideration, and the bid that will bring the best results or the most money for the timber is clearly the best one and should be accepted.

The amounts of timber mentioned in the specification for sale were not based on an actual estimate. It was only a rough guess and not considered important, as the timber would finally be disposed of at so much per thousand and the amount of each variety would determine itself when cut.

The only estimate the Government has is the one made by Sam B. Davis, which was completed, so far as it went, some three weeks after the publication of the specifications for sale, and in round figures is as follows:

Oak, 11,000,000; elm, 2,000,000; bass, 3,000,000; maple, 250,000; white pine, 119,000,000; Norway pine, 119,000,000; jack pine, 2,000,000.

While this estimate is not right or complete, it shows the relative proportion of the pine and other timber fairly well and fully explains why bidders Nos. 2 and 4 are so high on elm, basswood, maple, and ash, for you will notice the amount of these varieties of timber to be very small and they can well afford to pay many times their true value and then make substantially half a million dollars on the difference between their bid on white and Norway pine as compared with the bid of Mr. Herrick.

The Weyerhaeuser interests made a careful estimate of the entire reservation. After the bids were opened and they were found to be out of the race, one of their men figured out the four highest bids by their estimate and as a result found and stated the bid of Mr. Herrick to be the highest by about $300,000. All of the bidders and estimators present, excepting Nos. 2 and 4, generally stated and accepted the bid of Mr. Herrick as being clearly the highest and best without taking into consideration his fair offer for all of the timber not included in the specifications, which will amount to a large sum of money.

I consider bid No. 3, made by Mr. Herrick, will net the Indians at least $400,000 more than any other bid, and I urgently and without qualification recommend that it be accepted.

The bids received should entirely dispose of the Minnesota opposition to the plan of disposing of timber on Indian reservations by the establishment of sawmills. The recent sale is without question the best sale of timber ever made by the Government. During the past three years nearly 700,000,000 of pine has been sold on reservations in Minnesota by the Forestry Bureau and General Land Office and the average price received for Norway and white pine is $6.56 per thousand. The quality of timber and opportunity for logging and handling the same is without question better than the timber and conditions existing on the White Earth Reservation.

I desire to congratulate and honestly thank you for the firm stand you have taken in this matter, and it will afford me pleasure, outside of my official duties, to assist you at any and all times in the handling of any and all timber matters coming before your office. If in the case of any future sales or management of any timber heretofore sold you will see that the matter is referred to me, I think I can assure you that if we go over the matter together before any definite action is taken we will be able to avoid any and all just criticism. It would be almost impossible for me to express my pleasure and appreciation of the position you have maintained in this sale, which has fully demonstrated to the "pine ring" here that they can not run things to suit themselves and get control of the Indian timber for much less than it is worth by objecting to every plan suggested by the office and department, and then, in order to succeed, charge the office, department, and every official with fraud and dishonesty.

Any questions or further information you desire relative to the bids or the drafting or forming of contract to be entered into by the successful bidder or in completing the rules and regulations I will gladly furnish by letter or in person, as you may desire.

I have the honor to remain, yours, truly,

J. R. CARR,
General Superintendent Logging.

The CHAIRMAN. Attached to Exhibit 39 is photographic copy on a small piece of paper, reading: "Ought to go to Secretary for his information, with my letter on White Earth timber business." That note appears in pencil on a little piece of paper attached to the letter of Mr. Farr.

D. N. WINTON, recalled, testified.

Paper marked "Exhibit No. 40" handed to the witness.

The CHAIRMAN. Mr. Winton, would you like to run over this?

The WITNESS. I have looked it over. I think the figures as I have seen them are correct. It is a schedule of bids received for the purchase of timber on White Earth Reservation, diminished reservation, by Agent Michelet and General Superintendent of Logging Farr, dated November 15, 1905.

BURCH EXHIBIT No. 40.

Schedule of bids received for the purchase of timber, White Earth diminished reservation, opened by Agent Michelet and General Superintendent of Logging Farr, Nov. 15, 1905.

Kind of timber.	Estimated number of feet.	Bid No. 1, D. N. Winton, Thief River Falls, Minn.[1]		Bid No. 2, Nichols-Chisolm Lumber Co., Frazee, Minn.		Bid No. 3, Fred Herrick, Lac du Flambeau, Wis.[2]	
		Rate per M.	Total.	Rate per M.	Total.	Rate per M.	Total.
White pine	90,000,000	10.05	$904,500.00	9.06	$815,400.00	11.00	$990,000.00
Norway pine	80,000,000	8.05	644,000.00	8.06	644,800.00	10.00	800,000.00
Jack pine	20,000,000	3.05	61,000.00	6.00	120,000.00	5.00	100,000.00
Oak	35,000,000	7.05	246,750.00	8.00	280,000.00	8.00	280,000.00
Elm	20,000,000	5.05	101,000.00	15.00	300,000.00	4.00	80,000.00
Basswood	15,000,000	6.05	90,750.00	10.00	150,000.00	4.00	60,000.00
Maple	10,000,000	1.05	10,500.00	15.00	150,000.00	5.00	50,000.00
Ash	5,000,000	4.55	22,750.00	20.00	100,000.00	5.00	25,000.00
Total			2,081,250.00		2,560,200.00		2,385,000.00

Kind of timber.	Estimated number of feet.	Bid No. 4—Lyman-Irwin Lumber Co., Minneapolis, Minn.		Bid No. 5—Daniel H. Moon, Duluth, Minn.		Bid No. 6—Nebagamon Lumber Co., Lake Nebagamon, Wis.	
		Rate per M.	Total.	Rate per M.	Total.	Rate per M.	Total.
White pine	90,000,000	$8.50	$765,000.00	$5.00	$450,000.00	$5.30	$477,000.00
Norway pine	80,000,000	7.50	600,000.00	4.00	320,000.00	4.30	344,000.00
Jack pine	20,000,000	5.50	110,000.00	1.60	32,000.00	1.05	21,000.00
Oak	35,000,000	10.00	350,000.00	3.50	122,500.00	3.05	106,750.00
Elm	20,000,000	16.00	320,000.00	1.60	32,000.00	1.05	21,000.00
Basswood	15,000,000	15.00	225,000.00	2.00	30,000.00	1.50	22,500.00
Maple	10,000,000	20.00	200,000.00	1.60	16,000.00	1.05	10,500.00
Ash	5,000,000	25.00	125,000.00	1.50	7,500.00	1.05	5,250.00
Total			2,695,000.00		1,010,000.00		1,008,000.00

[1] Dead and down white pine, $5.05; dead and down Norway pine, $2.55.
[2] Surface clear, oak tie, common, $4; timber suitable only for heading, staves, hubs, spokes, and pulp wood, 50 cents per cord stumpage.

Schedule of bids received for the purchase of timber, White Earth diminished reservation, opened by Agent Michelet and General Superintendent of Logging Farr, Nov. 15, 1905--Continued.

Kind of lumber.	Estimated number of feet.	Bid No. 7, Rock Island Lumber & Manufacturing Co., Rock Island, Ill.[1]		Bid No. 8, Pine Tree Lumber Co., Little Falls, Minn.[1]		Bid No. 9, Pine Tree Lumber Co., Little Falls, Minn.[1]	
		Rate per M.	Total.	Rate per M.	Total.	Rate per M.	Total.
White pine	90,000,000	$6.55	$589,500.00	$5.30	$477,000.00	$7.06	$635,400.00
Norway pine	80,000,000	6.55	444,000.00	4.15	332,000.00	6.06	484,800.00
Jack pine	20,000,000	1.50	30,000.00	2.25	45,000.00	2.50	50,000.00
Oak	35,000,000	3.50	122,500.00	5.00	175,000.00	5.50	192,500.00
Elm	20,000,000	1.00	20,000.00	2.50	50,000.00	3.00	60,000.00
Basswood	15,000,000	1.50	22,500.00	3.50	52,500.00	4.00	60,000.00
Maple	10,000,000	1.00	10,000.00	2.00	20,000.00	3.00	30,000.00
Ash	5,000,000	1.00	5,000.00	2.00	10,000.00	2.00	10,000.00
Total			1,243,500.00		1,161,500.00		1,522,700.00

[1] Conditional.

Abstracts of bids received at the White Earth Agency, Minn., on the 15th day of November, 1905, for the purchase on stumpage of all the merchantable timber, standing or fallen, on lands that have heretofore or may hereafter be allotted to Indians of the White Earth Diminished Reservation, in accordance with advertisement dated Aug. 14, 1905.

No.	Name of bidder.	White pine.	Norway pine.	Jack pine.	Oak.	Elm.	Basswood.	Maple
1	D. N. Winton[1]	$10.05	$8.05	$3.05	$7.05	$5.05	$6.05	$1.05
2	Nichols-Chisolm Lumber Co	9.06	8.06	6.00	8.00	15.00	10.00	15.00
3	Fred Herrick	11.00	10.00	5.00	[2]8.00	4.00	4.00	5.00
4	Lyman-Irwin Lumber Co.	8.50	7.50	5.50	10.00	16.00	15.00	20.00
5	Daniel H. Moon	5.00	1.00	1.60	3.50	1.60	2.00	1.60
6	Nebagamon Lumber Co.	5.30	4.30	1.05	3.05	1.05	1.50	1.05
7	Rock Island Lumber & Manufacturing Co.[3]	6.55	5.55	1.50	3.50	1.00	1.50	1.00
8	Pine Tree Lumber Co.[3]	5.30	4.15	2.25	5.00	2.50	3.50	2.00
9	do.[3]	7.06	6.06	2.50	5.50	3.00	4.00	3.00

No.	Name of bidder.	Ash.	Spruce.	Poplar.	Tamarack.	Balsam.	Birch.
1	D. N. Winton[1]	$4.55					
2	Nichols-Chisolm Lumber Co	20.00					
3	Fred Herrick	5.00	$5.00	$2.00	$2.00	$2.00	$2.00
4	Lyman-Irwin Lumber Co	25.00					
5	Daniel H. Moon	1.50					
6	Nebagamon Lumber Co	1.05					
7	Rock Island Lumber & Manufacturing Co.[3]	1.00					
8	Pine Tree Lumber Co.[3]	2.00					
9	do.[3]	2.00					

[1] Dead and down white pine, $5.05; dead and down Norway pine, $2.55.
[2] Surface clear, oak tie common, $4. Timber suitable only for heading, staves, hubs, spokes, and pulp wood, 50 cents per cord stumpage.
[3] Conditional.

I hereby certify, on honor, that the foregoing is a true abstract of all bids received by me.

SIMON MICHELET,
United States Indian Agent.

WHITE EARTH AGENCY, MINN., *November 15, 1905.*

Examined by Mr. BURCH:

Q. Mr. Winton, you have before testified in this case, have you not?—A. I have.

Q. You testified relative to your knowledge, such as you had, of the four eliminated townships of the White Earth Reservation?—A. Yes, sir.

Q. I now challenge your attention to the pine timber upon what is termed the diminished reservation of 32 townships, and direct your attention to a proposal upon the part of the Government to dispose of the pine on the diminished reservation under the amendment to the appropriation bill of 1904, which we denominate as the Clapp "rider," which authorizes the sale of timber upon the White Earth allotments for the benefit of the Indians. Did you know of a proposal to sell such timber?—A. Yes.

Q. Were you at that time still interested in the Thief River Falls Lumber Co.?—A. Yes.

Q. How did you learn of the proposal to sell the timber mentioned?—A. I think I first saw it in one of the local papers here.

Q. Advertised by the Government?—A. Advertised by the Government; yes, sir.

Q. Did you understand that such timber was open to sale to the highest bidder, by sealed bids?—A. Yes.

Q. Did you, in your own name, make a sealed bid to the Government for this timber?—A. Yes.

Q. Was it for yourself as trustee for the company?—A. Well, that had not been determined. It only required such a small amount of money on it, in the ordinary way of figuring——

Q. You stood back of it?—A. Yes.

Q. Now, were you acquainted with a concern called the Nichols-Chisholm Lumber Co.?—A. I was acquainted with that concern; yes.

Q. That is all I desire to know. Were you acquainted with a man named Fred Herrick, of Lac de Flambeau, Wis., a lumberman?—A. I met him a number of years ago, as I recall, but I had no personal acquaintance with him.

Q. He was somewhat identified with the Stearns Lumber Co., at times?—A. I knew of him—of the Lac de Flambeau Lumber Co.

Q. Were you acquainted with a concern that is called the Lyman Erwin Lumber Co.?—A. I was not. I understood there was such a firm. I did not know them personally.

Q. Were you acquainted with a party by the name of Daniel H. Moon?—A. I had met the gentleman; only slightly.

Q. Where was he of?—A. When I met him he was in Duluth.

Q. Duluth, this State?—A. Yes.

Q. Did you know a concern called the Nebagamon Lumber Co.?—A. Yes.

Q. Where were they located?—A. Wisconsin.

Q. What place?—A. Nebagamon; they called it Nebagamon, Wis.

Q. At that place?—A. Yes.

Q. Do you know the Rock Island Lumber & Manufacturing Co.?—A. I know of it.

Q. Where were they located?—A. Rock Island, Ill.

Q. Did you know a concern called the Pine Tree Lumber Co.?—A. Yes.

Q. Where were they located?—A. Little Falls, Minn.

Q. Was that commonly understood to be a Weyerhaeuser interest?—A. Yes.

Q. (Handing witness paper.) I see two bids—the names mentioned here—apparently there were two separate bids, numbered 8 and 9. Now, you state that you were one of the bidders?—A. Yes.

Q. Do you recollect the time when the bids were opened?—A. I remember the day; I was not present. But I remember the day very distinctly.

Q. You remember the day, and you learned that day of their being opened?—A. Yes.

Q. Was there anyone present for you?—A. Yes.

Q. Representing you?—A. Yes.

Q. Who was it?—A. Mr. McCrea and a Mr. Olson.

Q. After these bids were opened, did you learn the particulars of all these bids?—A. Yes; I think I did.

Q. They were duly reported to you?—A. Yes.

Q. You were not a successful bidder?—A. No.

Q. I now desire to call your attention, Mr. Winton, to a schedule, which I present to you, and which has been examined by the committee [handing witness Exhibit No. 40]. The paper I hand you is Exhibit No. 40, and it is believed to contain a recital of the bids that were opened at that time, and the names of the respective bidders, as their bids were numbered. Have you looked over this paper?—A. Yes.

Q. You understand it? I would be glad if you would explain to the committee—if you would explain the nature, in general terms, of these bids that you find there on that schedule—the bids I speak of now——A. Those bids were made up on forms prescribed by the Government, as I recall it, and each bidder sent in a certified check or draft for $2,500 and put down the amounts they would pay for the different kinds of wood, according to the forms prescribed in the letter recently read, and agreeing to all those terms, and it was supposed that the party that bid the most would get that timber and erect a sawmill, as I recall it, manufacture the timber on the reservation, or near the reservation. The Government estimates on this timber did not interest us particularly, because you paid so much a thousand as the timber was cut; and we didn't estimate the timber carefully. I sent some men in to look over the country and to see the chance for logging and getting out the logs and the quality of the timber, and then we thought that this timber would be very apt to go cheap, and we would feel badly if we didn't have a bid on it, and so I sent in some men and made a rough examination of the country and the chance in general and thought it was worth while to hazard a bid for that timber; and I was leaving at that time for Spokane, Wash., on some business, and gave a certified check or draft to one of these—to either Mr. McCrea or Mr. O'Neill—and signed a blank form of bid for him to fill in after he had seen the timber, as to what he thought the timber would be worth, relying upon his judgment in the matter; but I had told him the outside figures to which we cared to go for the timber. He took a reconnoissance through the timber and supplemented the reports which I bid on. I had previously had some men in looking over the country and looking over the timber and checking up the estimates with the Government's estimates, to show that the timber was there which the Government claims—or if it was more.

Q. Then you knew, in a general way, at that time, at the time you bid, about how much pine there was, and about how much hard wood there was, and how much pine there was, and timber of different character?—A. I could not find any hardwood of any consequence; there was not any there, that we found.

Q. Then the supposedly estimated hardwood was not there?—A. We couldn't find it.

Q. Now, will you explain the manner of those bids that are recorded there? Will you explain them to the committee?—A. Well, we went there just with one idea—to bid on white pine and Norway pine and Jack pine. We went there with one purpose in view—to buy the pine timber, and we looked it over very carefully, not thinking anything about the hardwood timber which was estimated by the Government at a considerable amount.

Q. Because you didn't find it there?—A. We didn't find it there; it never entered our mind that it entered into the computation.

Q. Because, if it was not there, you would not have to pay for it?—A. That was the idea.

Q. Well, go on.—A. Why, we put in our bid, figuring what we could pay for the pine, and also, of course, bidding on the hardwood, what we figured that would be worth, if there should be some there that we hadn't found.

Q. Yes, go on.—A. That was the way our bid was made out.

Q. Now, then, as to your—when the other bids were made up they were made up with substantially the same idea, to bid the amount on all the different kinds of timber?—A. Of the other bidders?

Q. Yes; all that bid.—A. They all seemed to have bid on all the timber. There was a bid by the Rock Island Manufacturing Co., bidding a dollar on maple, which is, in my opinion, a fair price. They could not make anything on that maple if it was given to them; in fact, if they made that price on maple timber at that time it would be a damage to a man if he had to move it and manufacture it into lumber. Of course, they bid only a dollar, but judging in a general way I know very well about this hardwood, because we didn't consider that there was any great amount of hardwood on that, and we didn't consider if it was in there that it would be of any considerable value, if that is what you wish to find out.

Q. Yes; but how did the other companies treat that?—A. Well, most of the companies treated it the same as we did.

Q. Well, now, Mr. Winton, what I want to show to this committee, if it is true, is this, that by bidding high a very high price on the hardwood which you believed not to be there—that is, to be grossly overestimated—and a lower price—that is, a low price on the pine, which was grossly underestimated, the effect apparent on the face of things would be to make a bid which thus bid higher upon the hardwood and lower upon the pine—that is, low upon the pine—would seemingly be the highest bid?—A. Yes.

Q. Explain that; just in your own language explain to the committee the "joker" in other words; in fact, the hardwood proposition.—A. It seems to me it must be very plain to the committee from looking this schedule over.

Q. But put it in the evidence.—A. Well, if I should pay $10 for 300,000,000 feet of pine which was somewhere—for 300,000,000

feet of pine—$1 for 10,000,000 feet of hardwood, or say $3 for 10,000,000 feet of mixed hardwood, I would think it was a very high price to bid; it would amount to $3,000,000 for the pine and $30,000 for the hardwood; but of course if the pine should be estimated at 100,000,000 instead of 300,000,000, and I should bid, we will say, $7 for the pine, and the hardwood should be estimated at 100,000,000, and I should bid $20 for the hardwood, the bids would be nearly equal on the face of them, but in reality there would be no equality whatever, because when you come to get the timber the pine is the only timber you are paying for. If you paid $100 for the hardwood that would really make very little difference. You are paying for something you don't get.

Q. You are paying for something that you don't get?—A. Yes—well, you don't pay for it, because you don't have to pay for it.

Examined by the CHAIRMAN:

Q. I understood from your testimony awhile ago that in your judgment there was no hardwood on that land worth speaking of?—A. Well, I wouldn't say it was not worth speaking of. My opinion would be that it would be a very small quantity.

Q. So small that if the bidder, in order to get the desirable timber, would bid 100 times the value for all the hardwood there was he would not lose very much?—A. Well, I think that possibly those figures would be exaggerated—he wouldn't bid 100 times, that would be too much; but he could bid several times—a number of times what the hardwood was worth.

Q. He could easily get back on the low price of the pine even 100 times the value of the hardwood?—A.

Q. The bids as tabulated before us show, in the case of the Lyman Irwin Co., $10 on oak and $16 on elm. Is not oak wood more desirable wood than elm?—A. I imagine there was more oak on the land than elm.

Q. As a matter of fact, is not oak of a higher value than elm?—A. Yes; generally.

Q. The basswood $15?—A. Well, that is nonsense.

Q. The maple $20?—A. Yes.

Q. Ash $25? Wouldn't those prices suggest to almost anyone bad faith on the part of the bidder?—A. Well, I wouldn't want to say that.

Q. Well, then, use the judge's question, there was a "joker" in the bid?—A. Well, the bid on the face of it is nonsense.

Q. As a matter of fact, they bid $8.50 for white pine; that is less than one-third of what they bid for ash?—A. Yes.

Q. How many times more per thousand is white pine worth than ash, at that time?—A. Of course, I couldn't say that, because I don't know the nature of that particular ash that was in there.

Q. There is a great deal of difference, is there?—A. Oh, I have never handled ash lumber; we consider it a damage to have hardwood mixed in where you are manufacturing pine.

Q. Take maple; you may know about that, because you have said it would be a disadvantage to have it manufactured into lumber and handle it?—A. I think so.

Q. They bid $20 for a thing that was worthless or nearly worthless and $8.50, that is two and a half times as much for maple as for white

pine; now, what does that suggest to you?—A. Well, it suggested to me that they didn't want us to get that timber.

Q. If that is not bad faith what is it?—A. I think they wanted to beat us getting that timber.

Q. Is there any reason why any person knowing very little about timber and timber values could not see at once, from this report sheet, that the sale was not an honest, fair sale?—A. Well, my opinion of that, in a casual way, is this: If that is what you want; that it is an outrage for the Government to let a thing of this kind go on, and let a lot of us spend our good money and then not award the timber. I think the Government ought to pay us back the money we spent, or else let somebody have that timber.

Q. Where do you place the blame? The Government, you know, is an entity, not an individual, and when you put your finger on the Government you don't touch any person. Where does the blame for this belong?—A. Well, that is pretty hard to say; I don't know. Only I do know that if I had had Mr. Herrick's bid there, and they had not given me the timber, there would be quite a little trouble about it.

Examined by Mr. BURCH:

Q. Whose bid, on the face of it, in your opinion as a lumberman, was the highest bid made?—A. Oh, the Herrick bid.

Q. Then, in your opinion, Mr. Herrick—Fred Herrick—should have had the award of the timber made to him?—A. Yes.

Q. You think that is correct?—A. Yes.

Q. You have heard read the report of the logging supervisor or superintendent, J. R. Farr, here this morning?—A. Yes.

Q. Do you coincide with his conclusions in that respect?—A. Yes.

Q. You think that is correct?—A. Yes.

Q. Practically correct?—A. Yes.

Q. How much better, in your opinion, considering the amount you believe there is, or was, of the pine at that time, would his bid have been than the Nichols-Chisholm Lumber Co., the next highest bidder, as I understand it, or were not they the next highest bidder?—A. No: I was the next highest; the next highest, I guess. [Witness examines the report.] Well, it is impossible you see, because you tabulate a little hardwood and a bid on the hardwood, and tabulate it.

Q. Well, you believe the conclusion of Mr. Farr, that the bid was $300,000 better for the Indians than the next highest bidder, being yourself?—A. Yes.

Q. Well, in your opinion, if you have an opinion on that, how much higher would it make than the Nichols-Chisholm Co.—you consider them still a lower bidder than yourself, do you not?—A. Yes.

Q. Would it then have been ever more than 300,000 better, that is, Herrick's bid, than the Nichols-Chisholm Lumber Co. bid?—A. Without any doubt, it would.

Q. Now, you consider it was unfair to Herrick, as being the highest—these bids being sealed, etc., not to have let Mr. Herrick have the lumber?—A. Yes.

Q. And that it necessarily defeated the Indians out of at least $300,000,000 of money that would have been collected out of this pine from them? I mean $300,000 in excess of what you bid; in other

connection with his investigation, and part of the matter that brought us up there, that is, the Department of Justice, and has given rise to all these subsequent proceedings, but must not be held as applicable to that which was first offered. I make this statement at the earliest possible moment to the committee, with the hope that it may answer all practical purposes as to that testimony.

Mr. GRAHAM. We were puzzled somewhat as to the date to which the Smith affidavit referred as compared with the date of the making of the allotments, and we are glad to have you put the statement in the records, so that we are no longer puzzled by it.

Mr. O'BRIEN. Mr. Chairman, in the same connection, I desire to offer in evidence a letter dated July 6, 1905, addressed to "Sam B. Davis, esq., Supervisor of Indian Schools, care of U. S. Indian Agent, White Earth, Minn.," signed by "C. F. Larrabee, Acting Commissioner," which letter requests Mr. Davis to make a rough estimate of the timber, and this will throw light upon the time when the estimate was made. Unfortunately, I was not able to find in the originals of the Indian Office records that I have here, the original letter of which this is a photographic copy, but I promise the committee to produce the original before this hearing has been concluded.

BURCH'S EXHIBIT NO. 42.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 6, 1905.

SAM B. DAVIS, Esq.,
Supervisor of Indian Schools,
Care of United States Indian Agent, White Earth, Minn.

SIR: On June 28 you were advised by telegram that separate rough estimates of timber should be made on the approved allotments and tribal lands; that the allotments now being made by Special Agent Downs have not been approved, and should be treated as tribal lands.

You are now advised that it is proposed to annul the allotments that have recently been made by Agent Michelet under the Steenerson Act and reallot the lands; this because of the general dissatisfaction of the full-bloods with the lands allotted to them. Where land is anything like well timbered with pine timber, it is regarded as much more valuable than strictly agricultural land, and it is therefore much sought after by the Indians—especially the more intelligent mixed-bloods. To the end that the timberlands may be more equitably divided among the Indians, it is desirable to have a fairly accurate estimate of the pine and hardwood timber growing on the tribal lands, estimated by 40-acre tracts; or in case there is an unusual amount of valuable timber growing upon a few of the 40-acre tracts, the estimate should be made by 20-acre tracts.

You are accordingly directed to make these rough estimates of pine and hardwood timber on the tribal or unallotted lands as early as practicable, in the manner above suggested. The estimates should be prepared in schedule form (in duplicate), the lands being accurately described, and the amount of pine and hardwood timber kept in separate columns. One copy of the schedule should be left with Agent Michelet, and Special Agent Downs, and the other transmitted to this office. Please acknowledge receipt of these instructions.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

Mr. CARL. Do we understand that as a withdrawal of the charge against Michelet having had knowledge of the amount of timber on each allotment, the statement just introduced by the Government?

Mr. GRAHAM. I don't know whether it would have that effect or not. The extent of it is that it fixes the time when this Mr. Smith is said to have sold information, as a time after the making of the allotments, so that the information he sold was not for the purpose

AFTER RECESS.

Mr. GRAHAM. Before you proceed, Judge Burch, I have a letter from Mr. Chute, dated January 26, 1912. Mr. Graham here read the letter referred to and same was made a part of the record (marked Exhibit 41) as follows:

BURCH'S EXHIBIT NO. 41.

MINNEAPOLIS, MINN., *January 26, 1912.*

JAMES M. GRAHAM,
Chairman Investigating Committee,
Room 401, Federal Bldg., Minneapolis, Minn.

DEAR SIR: When before your committee a few days ago I agreed to furnish the committee a statement showing the amount received for certain lands bought by me on the White Earth Reservation at the sale in 1900. Upon examining our records I find it is impossible to separate these lands from other property, in which these were included, in a sale to the Immigration Land Co. in 1904. I regret that I can not furnish the information desired.

Yours respectfully, R. H. CHUTE.

Mr. BURCH. Before proceeding further, there is a matter that I wish to bring clearly and pointedly to the attention of the committee and anybody else who may be interested. Yesterday, Mr. Linnen, Inspector Linnen, believed that the affidavit which he had in his possession of one Henry Smith, I think it was—Smith anyhow—bore directly——

Mr. GRAHAM. Frank Smith.

Mr. BURCH. Yes; Frank Smith—bore directly upon the question whether Agent Michelet had in his possession at the time of the additional allotments estimates made by the Government inspectors theretofore, upon the diminished reservation; upon lands which were to be allotted. In the hurry of our work here, neither of us had time to carefully examine that and his own attention probably was not sufficiently challenged to it and it was not until we had offered the affidavit in evidence in connection with his testimony, that it became apparent that the estimates were made by Smith, and the values he mentioned at a subsequent date, but——

Mr. GRAHAM. A subsequent date to the allotment?

Mr. BURCH. To the additional allotment, and could not therefore have been in the hands of Agent Michelet at the time of the additional allotment, and that the estimates were made at the time when Agent Downs should make a reallotment; that is, for the purposes of reallotment that was to be made by Agent Downs. We think we have discovered that fact. So that while the matter contained in the affidavit in question was strongly germane to the condition of the White Earth Reservation at this subsequent period, which we believe to be a matter that the committee should know all about, it should not be taken and considered by the committee as the slightest evidence of any such estimate being in the possession of Special—or of Indian Superintendent Michelet at the time the additional allotments were going on. At least, when they were commenced. Now, I therefore respectfully ask the committee that the affidavits remain in connection with the testimony of Mr. Linnen and be considered in connection with what we have subheaded in the statement and series No. 7 as the "Second Grab," to which they will be as we think peculiarly applicable to the condition of affairs at that time, or possibly even a further subheading termed "The Saturnalia." In other words, they are part and parcel with the work of Mr. Linnen and in

connection with his investigation, and part of the matter that brought us up there, that is, the Department of Justice, and has given rise to all these subsequent proceedings, but must not be held as applicable to that which was first offered. I make this statement at the earliest possible moment to the committee, with the hope that it may answer all practical purposes as to that testimony.

Mr. GRAHAM. We were puzzled somewhat as to the date to which the Smith affidavit referred as compared with the date of the making of the allotments, and we are glad to have you put the statement in the records, so that we are no longer puzzled by it.

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Very respectfully,

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Mr. GRAHAM. I don't know whether it would have that effect or not. The extent of it is that it fixes the time when this Mr. Smith is said to have sold information, as a time after the making of the allotments, so that the information he sold was not for the purpose

of enabling the buyer of it to get preferential rights in choosing the allotments, because the allotments had been made. Whether it would have the effect you mention, I could not say.

Mr. BEAULIEU. The Inspector, when he was sworn and testified this morning, said that the appraisals or estimates were made before that.

Mr. O'BRIEN. He testified that that was his understanding of it.

Mr. GRAHAM. Would you like to have Mr. Burch's statement read to you again?

Mr. BEAULIEU. No; we understand it.

Mr. O'BRIEN. Are you ready to proceed?

Mr. GRAHAM. We are ready.

Mr. O'BRIEN. I now have here, Mr. Chairman, the original records of the Indian Office, which I wish to show to the committee, and after the committee has seen them, offer in evidence photographic copies of them. The telegram is first. This is a telegram on the blank of the Western Union Telegraph Co., dated "St. Paul, November 20," and stamped in the corner "Nov. 20, 1905," addressed to the Hon. Francis Leupp, Commission of Indian Affairs, Washington, D. C., and signed "Moses E. Clapp."

Am in receipt of the following telegram: "White Earth, Minn., Hon. Moses E. Clapp. Bids on our allotment timber received by agent Michelet not satisfactory; we ask you to protest in our behalf against acceptance. Signed Chiefs Joseph Critt, William Parker Naxmegey Dumiy Bone Dumiggeshig

I think it is corrupted in the telegram, which I think the telegrapher badly mutilated.

I deem it my duty to forward this to you, although it would really seem an act of superarogation in view of the character of the bids.

MOSES E. CLAPP.

Mr. GRAHAM. It may go in.

BURCH'S EXHIBIT NO. 43.

[Telegram.]

ST. PAUL, MINN., *November* 20.

Hon. FRANCIS LEUPP,
Commissioner of Indian Affairs, Washington, D. C.

Am in receipt of following telegram: "White Earth, Minn. Hon. Moses E. Clapp. Bids on our allotment timber received by Agent Michelet not satisfactory; we ask you to protest in our behalf against acceptance. Signed, Chiefs Joseph Critt, William Parker Naxmegey Dumiy Bone Dumiggeshig." I deem it my duty to forward this to you, although it really would seem an act of supererogation, in view of the character of the bids.

MOSES E. CLAPP.

Mr. O'BRIEN. The next is a letter dated November 28, 1905, addressed to the Commissioner of Indian Affairs, signed "E. A. Hitchcock, Secretary," and reads as follows:

I have considered your letter of the 27th instant, forwarding an abstract of proposals for the purchase of the timber on allotments within the White Earth diminished reservation, inMinnesota, together with reports from the agent and general superintendent of logging, Joseph R. Farr, etc.

You express the opinion that the prices offered, considering the pine timber as the criterion in judging all the bids, are too low, and you recommend, in view of the confusion of the prices offered, the suspicious lack of balance between certain parts of the same bids, whose totals would place them in the forefront of the competition; and the further fact that no bid on the pine timber has reached the figures which had been fixed by your office as the minimum of acceptability, that all the bids be rejected.

Concurring in your views, the said bids are hereby rejected, and all the papers submitted are herewith returned; and you are directed to return the checks inclosed by the respective bidders to the agent of the White Earth Agency, with instructions to forward them to the persons from whom they were received.

Very respectfully,

E. A. HITCHCOCK, *Secretary*

Mr. GRAHAM. The exhibit may be entered.

Mr. O'BRIEN. I also have here a pile of newspapers published at White Earth, Becker County, Minn., called the Tomahawk, and I shall read into the record an excerpt therefrom in this connection.

Mr. GRAHAM. How does it become material?

Mr. O'BRIEN. Well, for the reason that it shows the manner and by whom these bids were rejected.

Mr. GRAHAM. An editorial or news?

Mr. O'BRIEN. Well, it appears to be half news and half editorial in its tone. It appears in the last page of the issue and is headed "Can not win by misrepresentations."

Mr. GRAHAM. What is the date?

Mr. O'BRIEN. Thursday, August 30, 1906.

Mr. GRAHAM. How long is it?

Mr. O'BRIEN. Well, the part that I wish to read is only one paragraph [hands newspaper to the committee].

Mr. GEORGE. This letter, Exhibit No. 44, was nearly a year old.

Mr. O'BRIEN. Yes.

BURCH'S EXHIBIT NO. 44.

DEPARTMENT OF THE INTERIOR,
Washington, November 28, 1905.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: I have considered your letter of the 27th instant, forwarding an abstract of proposals for the purchase of the timber on allotments within the White Earth diminished reservation, in Minnesota, together with reports from the agent and General Superintendent of Logging Joseph R. Farr, etc.

You express the opinion that the prices offered—considering the pine timber as the criterion in judging all the bids—are too low; and you recommend, in view of the confusing of the prices offered, the suspicious lack of balance between certain parts of the same bids, whose totals would place them in the forefront of the competition, and the further fact that no bid on the pine timber has reached the figures which had been fixed by your office as the minimum of acceptability, that all the bids be rejected.

Concurring in your views, the said bids are hereby rejected, and all the papers submitted are herewith returned; and you are directed to return the checks inclosed by the respective bidders to the agent of the White Earth Agency, with instructions to forward them to the persons from whom they were received.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

Mr. GRAHAM. Mr. O'Brien, how does this become material or competent? Who could it apply to other than the person who wrote it?

Mr. O'BRIEN. Well, the owner and editor of the paper was presumably the person or, as we will expect to prove—I will put it that way—is the person who is now and for some time has been on the White Earth Reservation, the agent to the Nichols-Chisholm Lumber Co. The publication there is nothing more nor less than an admission on the part of the agent of the Nichols-Chisholm Lumber Co. as to who was responsible for having the bids rejected at the attempted sale in 1904, or, as he states, is entitled to the credit for it. I wish to put it in for what it is worth.

Mr. GRAHAM. Well, if it should go in, it seems to me that more than you have marked ought to go in, because there are some things n it that refer back, and could not be understood unless some of the preceding matter went in also.

Mr. O'BRIEN. Then, Mr. Chairman, I will offer the entire article.

Mr. GRAHAM. That raises another question. Not so much objection to this particular thing, but if we were to go pretty generally into publishing newspaper matters we might get a record that would be very bulky. [Addressing Mr. Beaulieu]. Mr. Beaulieu, are you familiar with the article in question?

Mr. BEAULIEU. I don't know. Let me look at it. I am familiar with the transaction anyway.

Mr. GRAHAM. This is the article and this is the paragraph that Mr. O'Brien asks to go in [indicating].

Mr. BEAULIEU (after reading the newspaper article). I have no objection whatever about anything going in regarding that particular transaction.

Mr. GRAHAM. Well, how much of this would you want in?

Mr. BEAULIEU. Just whatever he wants to put in.

Mr. GRAHAM. Providing that what goes in is self-explanatory.

Mr. BEAULIEU. I shall explain the whole thing later on. When our side is presented, I shall show up the whole thing.

Mr. GRAHAM. Well, in view of that statement, you may read into the record so much of it as will carry its own explanation. I think you ought to go farther back than you indicate, in order that what you read in may be clearly understood.

Mr. O'BRIEN. Very well, I will read the first four paragraphs:

There is a vicious fight on for the Republican nomination to Congress in the sixth district, and if the statements affecting the interest of the Indians made by Congressman Buckman's opponent are indicative of his other statements, he should be rebuked by overwhelming defeat at the hands of the voters he attempts to mislead.

In his speeches at Foley and Cokato C. A. Lindbergh charged Mr. Buckman with defeating the Interior Department's scheme for a sale of the timber on the White Earth Reservation last fall, and stated that in consequence of the failure of the proposed sale the lumber barons favored by Congressman Buckman are now picking up the Indians' timber in small lots at small prices.

Every one who knows anything at all about the conditions on this reservation knows the falsity of this paltry play for votes among those unfamiliar with our people, and their relations to the Federal Government and lumber manufacturers.

In the first place, Congressman Buckman did not stop the sale contemplated by the department. But if he had, he would have been entitled to the same warm commendation and gratitude from every resident of the reservation that is now so unstintedly given United States Senator Clapp, who did prevent the sale. To those even casually informed on the subject it was patent that under the plan proposed by the department, competition in bidding for the Indians' timber would be absolutely impossible. For the payment of a paltry $2,500 some bidder would have enjoyed an absolute monopoly of the timber trade on this reservation. The Indian could have sold to no one else, and to sell at all within five years of the date of approval of the accepted bid they would have been compelled to accept the minimum contract price, or allow their timber to stand, which would have been a complete bar to the improvement and cultivation of their allotments. Senator Clapp so forcibly and conclusively showed this feature to the department that it decided to reject all the bids submitted.

Mr. O'BRIEN. I think that is enough of the quotation to explain what it is, unless more of it is required.

Mr. GRAHAM. Well, that is the introductory part. I don't think that anything beyond that is material.

Mr. O'BRIEN. No, it is simply for the purpose of throwing all the light we possibly can upon this sale, or attempted sale, how it was conducted, and who was responsible for the rejection of the bids.

Mr. GEORGE. And as to who was the editor and publisher of that paper?

Mr. O'BRIEN. I think that is in. It has already been identified by Mr. Lynch's testimony and Rev. Porter's testimony, the paper having been referred to.

Mr. BURCH. I will call Mr. Gus H. Beaulieu; I believe he has been subpœnaed. Have you been subpœnaed, Mr. Beaulieu?

Mr. BEAULIEU. No, sir.

Mr. GRAHAM. It is not necessary. The only purpose of a subpœna is to bring the person, and being here, no subpœna is necessary.

GUS H. BEAULIEU, sworn by the chairman, testified as follows:

Examination by the CHAIRMAN:

Q. Give us your full name, Mr. Beaulieu.—A. Gustaf H. Beaulieu.

Q. You reside at the village of White Earth in the White Earth Reservation?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived there since October 10, 1872.

Q. When did the Chippewa Indians first come to that place?—A. On June 14, 1868.

Q. So that you got there four years after the first batch of Indians came?—A. Yes, sir.

Q. What is your present occupation?—A. Well, I am publishing a newspaper principally, up to White Earth.

Q. Known as the "Tomahawk?"—A. That is about all I am doing now.

Q. How long have you been engaged in the newspaper business?—A. Since 1903, April.

Q. How long in connection with this particular paper, the "Tomahawk?"—A. The "Tomahawk," I—well, I was the first one that organized the "Tomahawk."

Q. Has it been in existence since 1903?—A. Yes, sir.

Q. You claim, Mr. Beaulieu, as I understand it, that you are part Indian?—A. Yes, sir.

Mr. GRAHAM. That is sufficient identification of Mr. Beaulieu.

Examination by Mr. BURCH:

Q. Mr. Beaulieu, do you recall the circumstance of certain bids having been put in for the timber on the White Earth Reservation under the authority, or supposed authority, of the Clapp rider of 1904?—A. Very distinctly.

Q. Now, do you recall the circumstance of their having been rejected?—A. Yes, sir.

Q. I speak of the bids. Now don't be too quick with your answer. I haven't finished my question yet. Do you recall the circumstance of their having been rejected by the Secretary of the Interior?—A. Yes, sir.

Q. That had the effect, then, did it not, to leave the pine timber on the diminished reservation as well as the reservation altogether, so far as it had been allotted, original and additional, in the hands of the Indians? A. Yes, sir.

Q. You understood, did you not, that there was a restriction of 25 years upon their alienation upon these lands or interests in them unless they might be declared as incompetent by the Secretary to do business for themselves—that is, unless there should be an approval by the Secretary of the Interior of their doing business for themselves?—A. The lands or the timber—which?

Q. Both. Either.—A. I understood that the lands were inalienable for 25 years, but I understood that the department could at any time issue an order to have the timber cut.

Q. Yes. That would be by virtue of the Clapp rider?—A. No, sir.

Q. Or rather, of the "dead and down act" of 1904. A. No, sir.

Q. Well, what by?—A. It was——

Q. Well, let me put it in another way: It had to be done under the old "dead and down" timber act, or else by virtue of the Clapp rider of 1904, did it not?—A. The Clapp rider that you refer to, I suppose, was the one we know as the Clapp Act.

Q. Oh, no, no; that is 1906. Not the one that is commonly known as the Clapp Act. That is 1906. We have put in here already the Clapp rider of 1904, which authorized the sale of timber under which these few bids were taken—they had just rejected certain bids. You knew that?—A. I didn't know of the existence of the Clapp rider at that time; no, I didn't.

Q. Under what disposition or what authority did you suppose these bids were received?—A. Well, the same as the Wisconsin lands. The same as the bids for the Wisconsin lands—the Wisconsin pine lands, I mean.

Q. Well, it is true, I am informed by my associate who has looked it up, that it was the same method as that pursued in Wisconsin. Of course, it had to have the sanction of the law for the State of Minnesota, or at least the White Earth Indian lands, something covering the White Earth Indian lands in Minnesota. So you were not aware then that these bids were under this Clapp rider of 1904?—A. No, sir; I wasn't.

Q. You did not know, then, that the timber might be sold by the Interior Department?—A. Well, that was my understanding of it—that it could be.

Q. What was your understanding of the authority for doing it?—A. My understanding of the authority was that it was under some law that had been passed, which applied not only to the White Earth Reservation, but to all the Indians in the United States.

Q. Well, I don't want to examine you upon a question of law.—A. That is what you asked me.

Q. Well, that's all right. I won't pursue that any further. Now, is it true, or is it not true, that you and others set about the securing of some authority of law or some act of Congress which should enable the Indians who had received allotments to sell under certain conditions—alienate their allotments—did you not set about, in connection with others, to secure the passage of some such act?—A. Yes, sir.

Q. After the rejection of these bids?—A. Yes, sir; I did, with the Chippewas of White Earth.

Q. Now, I speak of this as seeking to show by your testimony, which I think I can do, that you were one of those who started about the work which eventuated in the Clapp rider of 1906. Is that correct?—A. I was one of the parties. I just stated so.

Q. That is what I wanted to find out. Will you tell me who first suggested the securing of some such law, do you know?—A. Do you want me to go on and state how it was suggested?

Q. Yes; if you prefer to use your own language and let it go without questioning, I have no objection to it, or I can ask you questions or interrupt you if I need to.

At this time Mr. C. D. O'Brien, of St. Paul, Minn., appeared in the court room and made the following statement to the committee:

Mr. O'BRIEN. I will have to present myself to the committee. I am a member of the bar of the State of Minnesota and I am counsel for the witness on the stand. On account of my friendship for him I will take the liberty, if the committee will permit me to do so, to ask him a question or two. Let him answer in his own way.

Mr. BURCH. Who is trying to restrict him? Has anybody tried to restrict him?

Mr. GRAHAM. Just a minute, gentlemen. The usual rule ought to be observed here. If Judge Burch wants to direct his attention to a particular matter, he has a right to an answer of that particular matter, but afterwards the witness will have a right to explain fully.

Mr. BURCH. Now, Mr. Beaulieu, will you proceed?

The WITNESS. What was the last question?

Q. I said: Proceed in your own way, and if I desire to direct your attention to something, I may interrupt.—A. Well, before any question whatever arose regarding the sale of Indian timber, I was at Washington, and they had made or they had passed a law several years before, but I think it was two years before, which enabled the department to sell inherited lands.

Q. Was that with the approval of the Secretary?—A. Congress passed that law with the approval——

Q. That's right.—A. The sales was so unsatisfactory upon the reservation that during the winter I had a talk with Mr. Henderson——

Q. D. B. Henderson, attorney?—A. D. B. Henderson, attorney, at Washington, who had had a great deal of experience in Oklahoma affairs, and he said they had had the same trouble down there. So we drew up a bill which provided that the allottees upon the White Earth Reservation could sell their lands and timber, but the bill provided that there would be a commission appointed before whom the sales and all other transactions would be conducted, and Mr. Steenerson had charge of that bill, and it failed to pass.

Q. You mean that you did take action to have this done?—A. Yes. sir; I took action. Mr. Steenerson had charge of the bill and——

Q. Can you state what year?—A. It was in——

Q. The rejection had been in 1905, hadn't it?—A. I think it was in 1905.

Q. Congress would meet in December then?—A. It was in 1905. Anyway, it was after the holidays. I didn't go down until after the holidays, and Mr. Steenerson told me that he had presented the matter, but he said there was just one man who objected to it in the Indian Committee, but he said: "It's in pretty good shape now and we'll try it next year." So in the following year I went down there again after the holidays, and I saw Mr. Clapp—I went and saw Senator Clapp, and aked him if he would introduce the same bill in the Senate, and my recollection is that he introduced a bill identically

the same as the one that we had drawn up for Steenerson to introduce. It had in there a commission which proposed—that is, the duties of the commission would have been to see that all the transactions—that is, the sale of Indian lands or timber would be before an agent or a commission composed of the Indian agent, a missionary, and a member of the tribe; and so after the bill was introduced and had been published throughout the country, Mr. Birkett, from Mahnomen, came down to Washington, and he had been sent down there I believe by the commercial club, he said. So we worked together at the bill, and they proposed going before a court of record—they proposed to amend the bill so the Indians would go before a court of record—that would be the Minnesota district court, or would be the official district court. Any court of record—and that wasn't satisfactory, but finally Mr. Birkett induced Senator Clapp to amend the bill so as to apply to mixed bloods only.

Q. Adult?—A. Adult mixed bloods, and I believe the commercial club of Detroit took the same position. I know there were telegraph messages arrived at Washington to the different Members of Congress urging them to stand by the bill. But the bill that the reservation people wanted was a bill to have a commission before whom all transactions would be made.

Q. Did you acquiesce in that as one interested in the reservation?—A. Acquiesce in which?

Q. In the Birkett proposal?—A. Oh, I objected to it for some time; but rather than have the bill defeated entirely I finally consented to it.

Q. Was there great opposition in the vicinity of the reservation to the first proposition that you made?—A. Well, yes; there was considerable opposition among the commercial clubs.

Q. Didn't the Detroit Record, for instance, make great opposition to you in regard to that and certain charges?—A. I know the Detroit Record took a position opposite to the one I had taken.

Q. Well, now, did that bill readily pass? You say it was introduced by Senator Clapp in the Senate and Representative Steenerson in the House as independent bills?—A. Well, I believe the bill eventually became an amendment to the Indian appropriation bill.

Q. Yes. I was asking you if that bill readily passed. Were you there during that winter?—A. I was there; but of course I had no way of knowing whether it readily passed or not. I know it passed.

Q. Do you know whether there was any opposition?—A. Well, none from the Indian Office, because I talked with Mr. Leupp about it.

Q. Any from the Secretary of the Interior?—A. Well, I didn't talk to the Secretary of the Interior about it.

Q. You were the publisher and editor of this Tomahawk?—A. Yes, sir.

Q. Published at White Earth, Minn.?—A. Yes, sir.

Q. Did you know a man at Mahnomen by the name of J. E. Beum?—A. Yes, sir.

Q. J. E. Beum, Mahnomen, Minn.?—A. Yes, sir.

Q. What was he, a lawyer?—A. An attorney. Yes, sir.

Q. Did he reside there at that time—well, I will say, did he reside there—well, did he reside there previous to April 19, 1906?—A. Well, I couldn't say positively now.

Q. Do you recall the publication of a letter from Representative Steenerson, of that district, at that time, to this Mr. Beum, respecting this bill?—A. No, sir; I can't recall it now. No, sir.

Q. Well, do you know whether you were at home on April 19?—A. Whether I was at home?

Q. Yes; as early as April 19 of that year?—A. What year was it? 1905?

Q. 1906, the spring of 1906.—A. Well, now; I couldn't say.

Q. Well, Mr. Beaulieu, I will place in your hands a copy of the Tomahawk.—A. I could tell, I presume.

Q. What I believe to be a copy of the Tomahawk.—A. Well, you ought to know something about the Tomahawk. You have heard enough about it, and talked enough about it.

Q. You are very much mistaken. I never say anything about it. It doesn't disturb me in the slightest degree. It is the letter on the preceding part of it. It is the letter from Mr. Steenerson.—A. I want to read it all so that I will know.

Q. All right, suit yourself. Take your time—all the time there is.—A. I believe I was absent at Washington at the time, because I would judge so from the article that appears here——

Mr. GRAHAM. A little louder.

The WITNESS. I believe I was absent at the time, at Washington.

Mr. GRAHAM. At the time this article was written or at the time something referred to in it occurred, do you mean?

The WITNESS. At the time which?

Q. Do you mean that you were absent at the time the article in question was written, or at the time that something referred to in the article happened?—A. No, I mean at the time the article was published.

Mr. BURCH. You don't claim—I don't care for the whole article. I am only seeking for the letter, the letter from Mr. Steenerson to Mr. Beum, which appeared in your paper and was thus made public. Do I understand you to disclaim all knowledge of the letter, whether it was actually there and published or not?

The WITNESS. Oh, no; I don't say that, because it never was published in that paper unless I allowed it to be published.

Q. Well, then, you must have known of this letter and that it was a genuine letter?—A. Well, there is no doubt about that; I must have known of it.

Q. You think you can safely say it was a genuine letter and that Mr. Steenerson did write that letter to Mr. Beum?—A. I think so.

Mr. GRAHAM. If he wasn't there at the time, he may have seen the letter afterwards.

Mr. BURCH. You feel particularly sure of that identification; that is, the best of your recollection that that letter was authentic?

The WITNESS. Well, I didn't have the original; I had the copy of it; I am quite positive of that.

Q. Well, I would like to read into the record the letter, but if the committee would desire to see it first——

Mr. GRAHAM. I don't think we care to read it; Mr. Beaulieu has accepted the responsibility for it.

Mr. Burch reads letter to the committee, as follows:

J. E. BEUM, Esq.,
Mahnomen, Minn.

MY DEAR SIR: I have your letter of the 5th instant, and have also received several letters from persons in that locality, all urging my support for the measure looking to the removal of restrictions on alienation of lands of mixed bloods and such full-blood Chippewas as may be capable of handling their own affairs.

It seems to be the impression that I am opposed to this measure, or at least not favoring it as much as in my power. I have reason to believe that Mr. Birkett has been spreading this report, for I can easily understand that he was a little dissatisfied with the action of the House in passing the Burke bill and nothing more.

Now, I desire to explain to you exactly what the situation is with reference to these bills in this Congress. The House Committee on Indian Affairs are in harmony with the views of the department upon this question of removing the restrictions, and the commissioner and the Secretary of the Interior both insist that they should not part with the power of granting or refusing this restriction in cases presented to them. For this reason the Burke bill was recommended by the House committee and passed, and this bill authorizes the Secretary of the Interior in any case that he deems proper to remove the restrictions; it is left entirely within the discretion of the Secretary of the Interior. Last year and the year before this was all that was asked by the towns adjoining the White Earth Reservation. Lately, however, a demand has come both from people living near the reservation that the power of removing or retaining the restrictions should be taken from the Interior Department and vested in the courts. Mr. Beaulieu and Mr. Birkett suggested that such a provision be attached to the Indian appropriation bill, and I informed them that it could not be done, because the committee was opposed to it.

In the first place, the House has a rule that no new legislation shall go on an appropriation bill and the Senate has no such rule, and when new legislation is put on the appropriation bills in the Senate it may under the rules of the House remain, but it can not originally be put on in the House. For this reason I made no further effort to secure a provision in the Indian appropriation bill, and for the further reason that Senator Clapp, who favored the idea of taking the power away from the Secretary of the Interior and giving it to the courts, said that he would propose such an amendment to the appropriation bill in the Senate. I understand he has secured such an amendment. Under the regular procedure, when the appropriation bill comes back to the House a motion will be made to nonconcur in the Senate amendments and to ask for a conference. Thereupon the Speaker will appoint Mr. Sherman, the chairman of the House Committee on Indian Affairs; Mr. Curtis, the ranking member of the Republican side, and Mr. Stephens, of Texas, the ranking member on the Democratic side, as conferees, and these three men will meet with three Senators, including Senator Clapp, and they will discuss the question of whether the Senate amendments shall remain in the bill or not. Now, I want you to understand that you could no more pass a bill taking this power away from the Secretary in the present House of Representatives than you could fly. The Indian Affairs Committee is opposed to it and the department is naturally opposed to it and you could not get such a measure on the calendar; so that the only possible way to get the House to consent to such a measure would be in the way that is now in progress; that is, by attaching it in the Senate to an appropriation bill and thereby bring it into conference.

I have already spoken to the members of the Indian Affairs Committee and shall personally urge upon both Mr. Sherman and Mr. Curtis the advisability of agreeing to Senator Clapp's provision as applied in Minnesota, and that is all that can be done. With the President, the Secretary of the Interior, and the Commissioner of Indian Affairs opposed to this idea, you can easily see that it is not an easy matter. It effects the power of the department and all the departments are jealous of their power. I have been thus exposit in the matter for the reason that I wished you and the other people of Minnesota to understand the situation. I have reason to believe that Mr. Birckett, because I did not propose to waste time by introducing the original bill in the House, got the impression that I did not favor the meausre. I told him that we had passed the Burke bill in the House and that was all that could be done, unless it went in on the appropriation bill and was, so to speak, forced upon the House, and that he would have to look to Senator Clapp for a carrying out of that plan.

I hope you and the other people in that locality will understand exactly what the situation is, and that if this proposition can not become a law when it is attached as a Senate amendment to the appropriation bill, there is no possibility of getting it through any other way.

I am, yours, very sincerely, H. STEENERSON.

Mr. BURCH. We have already, some time ago, in the first series of hearings before the committee at Washington, read the so-called Clapp Act, which is not an act, except in the sense that it was not enacted, into the record, as it is, namely, a rider upon the Indian appropriation bill of 1906, approved June 21, 1906, whereas this issue of the Tomahawk—(with the letter not being dated in the

article; evidently that was left to the publication of the article)—is dated April 19, 1906. So it will be seen, as foretold by Representative Steenerson, in the manner of its passage, the Clapp rider of 1906 became law and took effect. Whether in conference the same things he foretold as being liable to occur did occur or not I don't know, but of course it follows that the House Committee were opposed to it; that some one of the three conferees must have yielded; I mean on the part of the House and Senate conferees, in order that it should be retained upon the bill.

Mr. GRAHAM. It appears on page 16 of these hearings. We will let that come in for further reference; proceed.

Q. Have you, Mr. Beaulieu, at any time been in the employ of the Commonwealth Lumber Co?—A. Yes, sir.

Q. That is a Minnesota organization?—A. Yes, sir.

Q. That company evolved or was changed into the Nichols-Chisholm Lumber Co.?—A. Did you ask me if I had been employed by the Commonwealth Lumber Co.?

Q. Yes.—A. No, I never was employed by the Commonwealth Lumber Co.

Q. Were you ever employed by the Nichols-Chisholm Lumber Co.?—A. Yes, sir.

Q. Are you still so employed?—A. Well, I don't know as I could say I am really employed now.

Q. Do you draw a salary or compensation from them for any purpose?—A. Well, I have been drawing a salary this year, a small salary.

Q. How much is it?—A. $100 per month.

Q. How far back does your employment with the Nichols-Chisholm Lumber Co., or its members—stockholders—date?—A. Well, I can't——

Q. When did you begin, in 1904 or 1903?—A. I can't recall now just how far back.

Q. Well, you were interested in obtaining contracts for them somewhat in advance of the appropriation or the passage of the Clapp rider of 1906, were you not?—A. No, sir.

Q. You were not in their employ at the time you were in Washington in 1906?—A. In 1906?

Q. Well, yes, in the winter and spring of 1906?—A. Well, I had been looking after some matters for them previous to that time; that is, inherited lands.

Q. Yes, exactly; on the reservation?—A. Yes, sir.

Q. That is, lands that could have been passed by the approval of the Secretary under this previous act—in obtaining lands that could have been purchased by the approval of the Secretary?—A. That is, if the Secretary approved of them, yes, sir.

Q. That is after the probate proceedings had been completed?—A. I don't recall now whether they had to go through the probate proceedings or not; I presume so; I can't say; I don't know.

Q. You call it "inherited lands?"—A. Yes, sir.

Q. That is lands that had passed at the death of some allottee to the proper legal descendant, under the laws of Minnesota?—A. Yes, sir.

Q. And that descendant, through their own action—that is the action of the court in adjudging who the heir was, and the action of

the heir in conveying, or by reason of the administrator conveying—could be passed to somebody else under the law you speak of?—A. Yes.

Q. I don't remember that the Secretary of the Interior had to approve of the action of the probate court?—A. Well——

Q. No matter if you don't know; it is a mere question of law, anyhow; you need not testify to it if you don't recollect it; it is all right.—A. If you want me to testify——

Q. I don't care about it; if you know it, it is all right, and if you don't it is all right.

Mr. GRAHAM. Well, have it one way or the other and make progress.

The WITNESS. Yes, I know about the law.

Q. How long prior to 1906 had you been in their employ for that purpose?—A. Well, I think almost immediately after the passage of the act—that is within a year anyhow—the act passed in 1902, I think.

Q. 1902, yes. Then you continued in their employ up to the time that the Clapp rider was passed, did you not, for that purpose?—A. Well, I don't want to say that I continued in their employ exclusively, because I was employed by everybody; I was looking after the inherited lands of the Indians for everybody.

Q. But you had a regular compensation or salary, did you not, during that time?—A. I can't recall that I had a compensation at that time, no, sir; not for some time afterwards.

Q. But you were interested for them at the time you were in Washington?—A. No, I was not interested at the time I was in Washington.

Q. Well, go on.—A. I was down to Washington for the purpose of getting a jurisdictional act to enable the Indians—the Mille Lac Indians—to go in the Court of Claims with the claim that they had against the Government.

Q. But you took action in regard to the Steenerson and Clapp bill that eventuated in the Clapp rider?—A. The Steenerson act was simply an incident of my trip down there.

Q. That is it; that is my understanding. Well, now during that time and previous to that time you had been engaged for compensation of some kind, whenever you could, to pick up these inherited descriptions for the Nichols-Chisholm Lumber Co?—A. Well, not exclusively for the Nichols-Chisholm Co. I was interested with the company at that time on the reservation, and whenever a person wanted to buy any land they would send up to me; not only the Nichols-Chisholm Lumber Co., but a great many others would send it to me, and I would file their bids for them at the agency office.

Q. Were you interested in picking up lands for them at the time the protest was made against the division of the Herrick bid?—A. Will you let me tell you all about the Herrick bid?

Q. Surely; we want it.—A. Well, one afternoon I was sitting in my office, and Ben Fairbanks, I think it was, came up with Mr.—came there with somebody else, and he showed me a small advertisement probably about—not to exceed that long [indicating] and about that same width——

Mr. GRAHAM. That would be about an inch and a half in length and the width of a column?

The WITNESS. Yes, it advertised for sale all the allotted timber on the White Earth Reservation, and of course that created a good deal

of excitement among us. We started right down; we consulted with each other and called a little council—a meeting—and Ben Fairbanks and myself, and somebody else—I can't recall who it was now—were appointed at this meeting to go to St. Paul and make a protest to Senator Clapp and ask him to prevent that sale. So we came down here and we met Senator Clapp and told him why we objected to it; we said that we had been informed by the Chippewas at Wisconsin that they were stealing everything from them that way; in fact were stealing them blind, the way the man told us.

Q. Who?—A. The Stearns Lumber Co. and Fred Herrick. So we went—Senator Clapp would do all he could. Then we met them two or three days afterwards, by appointment; we met Senator Clapp, and we had in the meantime notified Mr. Nichols about this and asked him to assist us to get the Minnesota lumbermen to protest against this sale, because it was against their interests as well as ours, and so quite a number of the lumbermen—I don't remember who they were—met Senator Clapp at the Merchants Hotel, and Mr. Fairbanks and myself were present; and they talked about this matter, and we had this advertisement; and after we had talked quite awhile the lumbermen made their statements, and finally Senator Clapp says, "Well," he says, "I think the people most interested should be heard from." So I got up and stated my objections to the proposed sale, and I objected to the sale on account of what had taken place in Wisconsin, where the Indians claimed they were being robbed right and left.

Q. By the Stearns Lumber Co. and Herrick?—A. And Herrick, yes, sir. And so we—Senator Clapp—immediately sent a telegram and he said: "I expect to go down to Washington in a week or so, and I shall go and call upon Secretary Hitchcock as soon as I arrive there and protest against this, and the President, if necessary." So he telegraphed down, as I say, sent a telegram off immediately; and several weeks after that, I should judge a couple or three weeks after that, we met Senator Clapp again. We heard from him; I don't recollect now whether we met him or heard from him first; that he had been down and seen the Secretary and that there would be no action taken. I think the Secretary said: "We will allow the matter to proceed, the sale to proceed, but we will accept no bids, no matter what the bids are; we will accept none." He said that is what the Secretary told him, and so they allowed the advertisement to go on, which, by the way, was charged to the Chippewas; all the expenses were charged to the Chippewas in Minnesota, several hundred dollars, and they came up to White Earth, Mahnomen County. Fred Herrick had—no, they had extended the time for two weeks; they extended it a little longer.

Q. They extended it twice, didn't they?—A. I don't know about how long they extended it. It was going to be sold in two weeks from the first advertisement.

Q. But the bids were not received for more than two months after that?—A. I don't know how long it was; it was sometime afterwards. Then Fred Herrick came up, and several others, and he came—well, Fairbanks and myself had taken an active part in opposition to this sale with the others, and he came to Fairbanks and asked him how much he would take to let the thing go through.

Q. Who did, Herrick?—A. Well, I understood Herrick was the one, but when I got to the agency office to hear the bids accepted, Weyerhaeuser, young Weyerhaeuser, came to me and said, "Say, Gus, you had better let this thing go through; we will make it all right with you." Ben Fairbanks had previously told me they had come to him. I said "We will not do anything of the kind." I said "We are not for sale." And so the bids went through; nothing else was done. We knew—we had received previous knowledge, though, or information—that those bids would be rejected, so we didn't care how they went.

Q. You say the Nichols-Chisholm Lumber Co. assisted you in taking this action against the closing of this bill?—A. In fact all the Minnesota lumbermen. Well, they did take action to try to prevent the sale. I don't know what they did, but they came down to St. Paul.

Q. To the Merchants Hotel?—A. To the Merchants Hotel. But afterwards they went up on the reservation and put in their bids, just the same.

Q. I was going to ask how you accounted for the fact that they assisted you at your request, in attempting to stop this, and yet took part in the bid.—A. Of course I can't account for that myself. I don't know.

Q. Well, listen. You knew the gentleman on the stand here, Mr. Winton—you knew the Wintons, didn't you?—A. At that time?

Q. Yes.—A. No, sir.

Q. Well, didn't you even know them by reputation at that time?—A. No; I don't think I did. I don't recall that any way. The first time I met Mr. Winton was—he came to White Earth to bid on, or he intended to buy lands practically the same as this Wisconsin firm did, and I objected to that, and I said that Fairbanks and Warren and several others joined Mr. Winton. I objected. I said it was the same plan the Wisconsin men were trying to put through. I protested that we ought to not stand for that. I published that in my papers.

Q. Mr. Beaulieum, you regarded the Nichols-Chisholm Co. as respectable and decent, didn't you?—A. Yes, sir.

Q. And you regarded the Weyerhaeuser people the same way?—A. Well, I regarded the Weyerhaeuser people the same way, but I don't think when Mr. Weyerhaeuser made that offer, I don't think he intended it for any good purpose.

Q. You thought he was a bad man?—A. Oh, I thought he would do what a good many men have done heretofore, and I don't know——

Q. Yes. You thought it was——A. I thought it was a bribe, that is what I thought.

Q. You thought it was a significant attempt to buy your interest, to influence you?—A. Yes, sir.

Q. And you didn't desire to be influenced in that way?—A. Well, I would not be.

Mr. BURCH. That is all for the present, Mr. Beaulieu.

The CHAIRMAN. Mr. O'Brien, do you wish to explain anything?

Mr. C. D. O'BRIEN. I should like, with the permission of the committee, to occupy 20 minutes. I will premise it by asking the witness to state who he is.

Mr. GRAHAM. Very well, proceed.

Examined by Mr. C. D. O'BRIEN:

Q. How old are you?—A. I am 58 years old.

Q. Where were you born?—A. Crow Wing, Crow Wing County, Minn.

Q. Your father was who?—A. Clement H. Beaulieu.

Q. You are a mixed blood?—A. Yes, sir.

Q. Where have you lived ever since——A. I lived at Crow Wing until the time of the removal to White Earth.

Q. You have lived in that part of Minnesota all your life?—A. Yes, sir.

Q. Where were you educated?—A. I was educated by a private tutor and then afterwards I attended Sinsinewaymound College, which college afterwards became a young ladies' seminary; and afterwards I went to St. Johns College in this State.

Q. You left school at what age?—A. I left school when I was going on 19, I think.

Q. Up to that time you had a liberal education, didn't you?—A. Well, my folks wanted me to be a priest and so I studied—I would not consider it a good business education.

Q. Well, you had a liberal education?—A. Yes, sir.

Q. You have lived among the Chippewa Indians, your own people, ever since?—A. Yes, sir.

Q. What has been your other employment from that time up to the present time?—A. Well, I have been—in the first place, when I came out of school, I went with surveying parties.

Q. Well, what next?—A. Then I was employed by the Northern Pacific Railroad Co. as assistant timber agent. Following that——

Q. And then?—A. Then from there I went to White Earth on a visit and finally remained there, and I started in there—in the first place I hauled lumber——

Q. Yes.—A. During A. P. Smith's administration. Then after that I went in the photograph business and followed that for a while, and while I was in that business I went over to Red Lake, and there was a deputy United States marshal there who had got into trouble, and I assisted by urging the Indians to allow him to take his prisoners, and when I reached White Earth I was called to St. Paul and was requested to come to St. Paul, and John McLaren appointed me as deputy United States marshal, and I believe at that time you were assistant United States attorney, were you not? I think you were.

Q. That was what year? That was in the early seventies, wasn't it?—A. That was in 1879 that I was appointed.

Q. Well, now, from that time on, did you continue to be deputy marshal?—A. I remained as deputy United States marshal for eight years, and then I was transferred into the United States attorney's office as interpreter and clerk.

Q. How long did you continue to be clerk and interpreter in the United States attorney's office?—A. Ten years.

Q. When did you finally leave there?—A. I resigned on June 4, 1897, to take—to look after Mille Lac interests.

Q. Yes. Now, from that time up to the present time, you have devoted yourself largely, have you not, to the business and interests of the Chippewa Indians of Minnesota, particularly the Mille Lac and the White Earth bands?—A. Yes, sir.

Q. Is it not true that during that time you have been a representative of those Indians, on their part as between the Interior Department and the Government, to a very large extent?—A. Yes, sir.

Q. Prior to your starting the Tomahawk, you started many years ago, another paper upon the reservation, didn't you?—A. Yes, sir.

Q. What year was that?—A. That was in 1886.

Q. And in that paper you, to a greater or less extent, attacked the management of the Indian affairs by the Indian agent in the Interior Department, didn't you—more or less, I mean?—A. When I started the paper a suit was commenced you know—when I started the paper, when I was about to go to press, the paper was seized, and then I commenced a suit——

Q. I am coming to that. And Mr. Sheehan was then Indian agent?—A. Yes, sir.

Q. And being an Irish Indian agent, he disposed of your newspaper with an ax, and you sued him in the Federal court and got judgment against him?—A. Yes, sir.

Q. Now, following the establishment of your Tomahawk, you have used that newspaper for your criticisms of the management of Indian affairs by the Indian Department, and by the Indian agents?—A. Yes, sir.

Q. And ever since you took hold of those affairs you have been more or less in conflict with that department, haven't you—and their employees?—A. Yes, sir.

Q. And that has finally culminated in an order to show cause issued by the Commissioner of Indian Affairs, for you to show cause next month, why you should not be stricken off the rolls as an Indian?—A. Yes, sir.

Q. So that, speaking generally, your life during the years you have spoken of has been a conflict on behalf of the Indians, your people, as against what existed in the Governmental management of Indian affairs?—A. Yes, sir; ever since 1886.

Q. Now, in furtherance of this policy—you are one of the few—there are only a few educated mixed bloods are there not?—A. Oh, no. There are quite a number.

Q. You, and Ben Fairbanks, and your brother Robert Beaulieu and Mr. John Leecy, are among the leading mixed bloods residing on the reservation, are you not?—A. Well, I presume so; yes, sir.

Q. That is, you are among those?—A. Yes, sir.

Q. You speak the Chippewa language as well as the English language?—A. Yes, sir.

Q. Now, isn't it true that all your life you have been accustomed to be, and are, an intermediary between the whites and Chippewas?—A. Yes, sir. I even helped stop an outbreak there in 1880.

Q. The ordinary Indian and the ordinary mixed blood who doesn't pretend to speak English will not speak unless through an interpreter, will he?—A. No, sir.

Q. And isn't it true that the ordinary Indian and the ordinary mixed blood will not have any dealings with white men unless there is some interpreter there upon whom he relies?—A. Not usually.

Q. They simply shut up and won't do it?—A. Yes, sir.

Q. Every Chippewa Indian and half-breed believes, does he not, as one of his standard beliefs, that he has been robbed by the United States Government from the beginning of the Government?—A. Yes, sir. That is about the usual belief. I don't think it is wrong either

Q. Well, you are one of them. You are one of the same people. Isn't it true that none of them have any confidence whatever in the white man until they have had personal transactions with him, until they have overcome their prejudice against him?—A. They didn't used to have. I don't think it is quite so extensive now. I don't think that.

Q. Now, isn't it true that because of your efforts here, in Washington and elsewhere on behalf of your people, the Indians, that you have drawn upon yourself the enmity of the entire Indian Department and the Interior Department, and all of its employees, particularly in Minnesota?—A. I have no doubt of that from what—the way they have been prosecuting me—or persecuting me, I should say.

Q. Now, isn't it also true that time and time and again during the pendency of this legislation in Washington which resulted in the Clapp act, that threw this pine on to the market, that time and time and again you went to Washington and besought the Members of Congress and the proper authorities there to provide in the legislation of which we have spoken a provision which would allow the selling of the timber for a classification of the full bloods from the mixed bloods, and also for some system by which the money derived should not be turned over at large to the people?—A. Yes, sir. Since the Clapp Act passed, after we failed to put in that part which would provide for a commission, I have been there every year urging that a classification be made, a bill be passed for that classification, and Mr. Burch agreed to one of our bills. He amended it, agreed to it, and telegraphed Mr. Long in our presence to come down, a little over two years ago—two years ago, it was, telegraphed Mr. Long to come down—and we said—we asked him if it was all right. He said, "Yes;" there was no objection to the bill after he had amended it, so that it provided for the Chippewa Commission—one man to be selected by the Secretary of the Interior and another to be selected by the Department of Justice, and act as a commission. He said it was all right now. Senator Clapp told us the bill would pass, if recommended by the department, and George Campbell, who was present as one of the delegates down there, said he would return to Minnesota. So the next day he left. A couple or three days afterwards I called on Mr. Burch at his office at the Department of Justice with Mr. Henderson and an Indian—I have forgotten just now his name—and asked him if that bill was all right. He said he could not see any objection to it, but would wait for Mr. Long to come down. So from there I went down to Hot Springs, in Arkansas, believing all the time that this classification bill would pass, which would settle this difficulty, and about 10 days after I arrived at Hot Springs I received a telegram from Mr. Henderson saying that the department had changed their minds—that is, Judge Burch had changed his mnid regarding the recommending of that classification bill.

Q. Now, it was because of the failure of the bill to classify the difference between the mixed bloods and the full-bloods, because of that, and because no standard was provided to tell which was a mixed blood and which was a full blood, that this trouble came up.—A. Well, it was because they didn't put that amendment in in the first place. But a good deal of land had been sold after Judge Burch had agreed to report that bill favorably.

Mr. BURCH. Mr. Chairman, I regret very much to have an occurrence of this kind take place; but I, either on oath or otherwise, as may seem proper, must challenge the veracity of the witness, and swear to it if necessary, in every particular, especially in the particular of my having agreed to such proposition at any time. In fact, practically everything that the witness has stated, except that he was there.

Mr. GRAHAM. Just a minute.

Mr. BURCH. I will swear to that if necessary.

Mr. GRAHAM. This is no reason why this witness should not testify to it. Judge Burch will have to pursue his own course. This witness has a right to testify as he wishes just now.

Mr. C. D. O'BRIEN. Now, isn't it a fact that whoever was to blame for this thing, whether it was the Interior Department, the Indian Department, or the Government of the United States, that the failure to classify—wasn't it the failure of the Government to establish some standard or method by which the status of the Indians could be ascertained that made all the trouble up there?—A. Yes, sir.

Q. Was there any means by which a man could definitely tell whether a mixed blood who said he was a full blood was telling the truth, or a full blood who said he was a mixed blood was telling the truth, except to take his word and examine him as far as you could?—A. No, sir. No other way.

Q. Now, then, when the Clapp amendment passed, allowing the mixed bloods to sell their allotments, word of that was spread among the Indians on the reservation, wasn't it, and the half-breeds?—A. Yes, sir.

Q. They were all anxious to sell, weren't they?—A. Yes, sir.

Q. Isn't it true that as to 90 per cent of them, or 95 per cent of them, that they had never seen their pine allotments and never looked at them, and didn't know where they were?—A. I believe—I wouldn't place it at that figure.

Q. Then is it not also true that 99 per cent of them didn't know how much pine was on their allotments, couldn't ascertain the fact, and didn't know the value of it?—A. Well, I don't think I would put it so many as that.

Q. Well, 98 per cent?—A. I would say about 75 per cent, because there are a good many.

Q. Now, then, that was the situation when the Clapp Act passed, and wasn't it also true that when the mixed bloods commenced selling their pine that the full bloods were at once anxious to sell their pine, too?—A. Yes, sir. That was the greatest difficulty we had, was to keep from buying from the full bloods, because nobody wanted to pay any money to a person who was a full blood when he knew that the Government might come any day and sue them and get the land back.

Q. Now, you went into the employ of the Nichols-Chisolm Lumber Co.—you and Fairbanks, Leecy, and your brother Robert went into the employ of the Nichols-Chisolm Lumber Co.—after the passage of the Clapp act to act as intermediaries and interpreters in the purchase of such pine lands as were properly purchasable, didn't you?—A. Yes, sir.

Q. Isn't it true that the Nichols-Chisolm Lumber Co. had had those lands cruised and the timber estimated on each forty, and then

fixed a price of what they would pay for that pine?—A. Well, I presume that is a fact, because we had no estimates whatever. They simply sent us the prices.

Q. That is what I mean. You heard the testimony that they had had the lands cruised and fixed a price per thousand as to the amount of timber on a forty?—A. Yes, sir.

Q. Isn't it true, also, that that price ran from seven to eleven dollars per thousand?—A. Yes, sir; that is what Mr. Nichols testified to.

Q. Now, isn't it also true that at the time that price was fixed that that price of $11 a thousand was the highest price that had ever been paid in Minnesota to anybody for that class of pine?—A. I believe so; yes.

Q. Now, isn't it also true that the Nichols-Chisolm Lumber Co. sent to you and Ben—I mean Ben Fairbanks and your brother Bob and John Leecy—sent to you the descriptions of these lands, saying to you, "We will pay you for such a forty so many dollars—five hundred, five thousand, ten thousand, fifteen thousand", and so on, and if that land is owned by a mixed blood and he wants to sell, we will pay him that price and no more and no less?—A. Yes, sir.

Q. Was it not values of this character that you communicated to those people who sold their pine?—A. Yes, sir.

Q. I call your attention to a man who was here the other day as, I saw by the paper, George Walters.—A. He sits over there [indicating]; yes.

Q. Now, he got somewhere in the neighborhood of $15,000, didn't he?—A. He got $14,000.

Q. And he spent it within a year and a half or two years?—A. Well, I don't know how long it took him to spend it.

Q. Now, I will ask you another question. Another evil result was, wasn't it, that the purchase money of these lands was permitted to be put into the hands of the Indian seller or the half-breed seller?—A. Yes, sir.

Q. As a natural consequence, he immediately spent it?—A. Yes, sir.

Q. Now, isn't it true as to your people, the Chippewa Indians and the Chippewa mixed bloods, with the exception of a very small percentage of the men like yourself and Fairbanks, and my friend John here, who are educated, that no matter what the sum of money that you put in their hands that they will spend it just as a child would, within a very short time?—A. Well, I don't know as to that; I would not say that. I don't think that there is any difference from any other community—that at White Earth, I mean.

Q. Mr. Beaulieu, isn't it true that if you gave to every man, woman, and child on the White Earth Reservation to-day $10,000 apiece that at the end of a year a large majority of them would not have a copper?—A. Well, I won't say a large majority; but I would say a great many of them, and that is the reason I am opposed to dividing the tribal funds.

Q. Yes. Now, Mr. Beaulieu, the Nichols-Chisholm Lumber Co. paid out, in round numbers, about a million and a half dollars for the timber they bought, didn't it?—A. Yes, sir.

Q. And that million and a half dollars was paid over to the mixed bloods?—A. Yes, sir.

Q. How many of those people have got a dollar of that money left now?—A. Oh, well, there are quite a number of them—a great many

of them—not the money, but they have improvements, they built houses and built improvements on their farms and used it to pretty good advantage. I mean the mixed bloods. But those that were close to the line, very few of them have any.

Q. Let me ask another question. These sales were made under the Clapp Act—timber sales, in 1906, 1907, and 1908, weren't they?—A. Yes, sir; 1906, 1907, and along there. Well, 1908 also.

Q. After a great majority of those sales had been made of the timber, is it not true that the Indian Department sent up into the White Earth Reservation several gentlemen, among others a Mr. Linnen and a Mr. Moorhead, Mr. Moorhead being known as the leading spirit, and that those men went up onto the reservation and spread among the people there and the Indians, the report at council and in other places, that if any Indian or mixed blood or any man or woman who had disposed of their pine on the theory that they were mixed bloods would now come forward and tell that they were full bloods, that they would get their land back?—A. That is what the evidence showed at the district court of Fergus Falls.

Mr. GRAHAM. Now you don't mean to say that that is what the evidence showed, do you? You mean evidence was offered tending to show that.

The WITNESS. Well, that is what they testified.

Q. You mean the witnesses so testified?—A. They so testified.

Q. Were you not aware of that fact, aside from the testimony in court?—A. Oh, that was the general report at White Earth, on the reservation.

Q. Now, then, wasn't the result of that statement at once to set afire among the Indians feuds and quarrels, and cause trouble in regard to their affairs?—A. Well, I believe it did have a great tendency to split up into factions.

Q. And hasn't it resulted in the people up there being to-day split up into two factions? For instance, like those represented by Walters here, who had made the sales, and others, and it has actually produced a split, a feud, between the full bloods and the mixed bloods that never existed before?—A. Yes, sir.

Q. Now, then, was it not further followed up by the indictment in the Federal court at Fergus Falls of yourself, Ben Fairbanks, John Leecy, and your brother Robert?—A. Yes, sir.

Q. Charging you with a conspiracy, under section 4240, a conspiracy to defraud the United States of its governmental functions?—A. Yes, sir; that was the charge.

Q. And an indictment returned entirely and solely upon Indian testimony?—A. Yes, sir.

Q. And isn't it a further fact that on the trial of that indictment, at the close of the testimony for the prosecution, the presiding judge instructed the jury to return a verdict of not guilty?—A. Yes, sir.

Mr. C. D. O'BRIEN. Now, that is all I care to ask this witness at this time, but at a future time, when Judge Burch has gotten through, I may desire to put on the witness in chief, for himself, and in more detail. What I want him to do is to have him give a general description of it, so the committee may be advised, when Judge Burch gets through with the submission of the testimony.

Mr. GRAHAM. Of course there are no hard and fast rules here. We could not enforce them, but we will try to give everybody a fair

chance. We can not now say to you that there will be an opening and a rebuttal of that opening and closing in the regular way. We are not able to hear the evidence in that way quite, but we try to give everybody a fair chance.

Mr. C. D. O'BRIEN. I have not been able to grasp the order of procedure. All I know about it is what I saw in the paper up to this time. I observed by the paper that my learned brother, Judge Burch, appeared before the committee and made an opening statement, stating what he would prove. What I am anxious to get at is such advice as to the order of procedure as will enable me to place before the committee the evidence of those people for whom I am interested; for instance, Mr. Beaulieu. I came here by accident this afternoon.

Mr. GRAHAM. It is no reflection on your intelligence that you do not grasp the order of procedure. Perhaps it is not graspable. We are going on the best we can with the matter we have before us. There is no fixed order of procedure, but as nearly as we are able to follow it now, Judge Burch is following the order made in a statement submitted to the committee by him at Washington, entitled "No. 7 of the hearing." Doubtless you have a copy of it. If not, I will provide you with one. So far as practicable, we will follow that order; but when the witnesses do not come to follow that order, we take those who are here, whatever order that may make, and we shall continue to do so. We want to get through as quickly as we can.

Mr. C. D. O'BRIEN. My anxiety is based upon the fact that this particular witness has been a man upon whom all the efforts seem to have been converged by the Indians, and I am trying to protect him.

Mr. GRAHAM. I have nothing to say as to that conclusion of yours.

Mr. C. D. O'BRIEN. That will be all I have to ask, then, at this time, subject to the courtesy of the committee to recall him to the stand again.

Mr. GRAHAM. You shall have every fair and proper right at all times.

Mr. BEAULIEU. Let me get straight on one point developed by Mr. C. D. O'Brien. If I understood him right then, and I think I did, he stated that there was no provision in the Clapp amendment, or Clapp rider, whichever you call it, for determining the degree of Indian blood in any particular Indian.

The WITNESS. No, there is not.

Q. And it was because of that defect most of the trouble grew out of it?—A. Yes, sir.

Q. Might it not be—and I would like to have your attention directed to it—that that fact was known in advance? Suppose the charge were made that the act was framed as it was in order to lead to that very trouble, what would you say?—A. Well, I certainly knew it in advance and made strong arguments about it.

Q. Is it not true that any one familiar with Indian conditions might have known that just as soon as they could sell the land they would want to do it, and as Mr. O'Brien and you agree, at least substantially agree, as soon as they sold the land and got the money they would spend it, waste or lose it, and be without property?—A. If they would not do that, do you mean?

Q. Might not anybody who was familiar with the conditions of White Earth have known in advance that this would have been the

effect of this amendment?—A. The wasting of their property, do you mean?

Q. Yes; that the full bloods and near full bloods, as soon as they could would sell the lands, get the money, and waste it.—A. No, sir; I don't think that, at least I don't think so. Let me explain.

Mr. GRAHAM. Surely.

The WITNESS. When they amended the bill so it would apply only to the mixed bloods I thought it would apply only to such men as myself, Mr. Carl, and others who were intelligent. We didn't think it would go clear down so close to the line. If they had provided it would go only to half-breeds or those less than half-breeds it might have been the results would have been different from what they have been.

Mr. GRAHAM. The line of questions asked by Mr. C. D. O'Brien suggest the thought to me: Could you imagine a better way of transferring the pine lands, the pine timber, from the Indians to the lumber companies than the adoption of the Clapp amendment, and if you could imagine it, what is it?

The WITNESS. A better way to do it?

Q. Yes.—A. Well, I don't quite understand the question.

Q. Well, let me explain more fully. I want you to set me right. Your attorney suggested the line of thought to me by his questions.—A. Well, yes; I can explain that in a better way.

Q. At the beginning the Indians on the White Earth Reservation are substantially as Mr. O'Brien has suggested; they are improvident, they don't know the value of property, and they don't know the value of money. Now, you people here about White Earth know them and you knew them then. Now, then, knowing that, was it not, to say the least of it, a great wrong to the Indians to secure the passage of an act of Congress which enabled this child, in a business sense, to dispose of valuable property that way? And one step further: If the lumber companies wanted to get hold of the timber on that land, what better way could you imagine to enable them to get it than by the passage of this amendment?—A. Under the Nelson Act, where they sold their timber for 65 cents and not at $1.60 as Mr. Burch claims, we sold our timber for from $7 to $11 a thousand, and the Government has sold it for us, according to Mr. Burch's statement, at $1.60; $1.60; but we claim they sold it for 65 cents. I think the law provided they should not sell it for a less price than $3 per thousand.

Q. There was a 25-year limitation in the Nelson Act, wasn't there?—A. I am speaking of the tribal lands now, that were sold off those four townships.

Q. Oh, yes.

Mr. C. D. O'BRIEN. Mr. Chairman, may I suggest to you, for your information, at the time of the Clapp amendment, if a deed of conveyance of the timber was given by a full-blood Indian, the deed was void ab initio. For instance, if they paid him $15,000 and he in point of fact was a full-blood, as he now claims he is, then the lumber company lost that $15,000 because the deed was void ab initio. That was the reason it would not operate as you suggested in the first instance. You see, it was absolutely essential for the lumber companies to ascertain that they were getting a good title; because, if they didn't, they lost their land.

Mr. GRAHAM. But, Mr. O'Brien, was it not perfectly patent to the lumber companies, or to anyone familiar with Indian affairs, that when you state by law the mixed bloods, however slight the admixture might be, had the right to convey his land in fee, that the almost necessary result of that would be that every Indian would find a way to be a mixed blood?

Mr. C. D. O'BRIEN. That is the same as any other phase of human nature.

Mr. GRAHAM. But my question goes back of that. Wasn't it perfectly patent and perefctly apparent to those who wanted timber, that that would be the result?

Mr. C. D. O'BRIEN. Excepting this: That no business man doing business and no attorney representing any of these lumber companies would ever pass title to timber land for which the company was to pay $15,000—if that was done, that man Walters, as a full-blooded Indian, he can, through the Government to-day or by himself to-morrow, notwithstanding the fact that he has received $14,000, bring an action against this company and recover the value of the timber.

Mr. GRAHAM. Well, he could at least try to. I don't attempt to say what equity would do in such a case. As I understand it, Mr. Walters is not quite the kind of man you have in mind. According to his testimony of yesterday, he has improved his property enormously; he is now the owner of in the neighborhood of 400 acres of land.

Mr. C. D. O'BRIEN. I only spoke of him as an example. I know nothing about him personally.

Mr. GRAHAM. I attract you attention to those things now, because two things are forcibly being called to my attention. First, the testimony of some little Indian girls at Washington, who came from White Earth, who made deeds of their land at the time when they couldn't have been over 11 years of age; and second, your line of questions to Mr. Beaulieu now emphasize very strongly to my mind the very difficulty which I have tried to express here.

Mr. C. D. O'BRIEN. I think, to my mind, I will say to you, Mr. Chairman, if I may, when I was called upon to the defense of my friend Beaulieu and his other friends whom I did not know, the first question I asked was, what price had been paid by the lumber company which they represented, and if an adequate price was not paid, I should have reserved the right to decline the employment. I say, further, that I was brought up among these people, which is one of the reasons I am interested.

Mr. BURCH. I have no further questions to ask Mr. Beaulieu at this time. I want to simply say something to the committee when Mr. Beaulieu and counsel have ceased.

Mr. GRAHAM. If there are no objections we will conform in part to the custom they tell me prevails, of making Saturday afternoon a short half day; and for that and for the reason that we want to arrange the testimony taken and the exhibits for the purpose of sending at least some of it on to the printing office in Washington, so if there is no objection we will adjourn now.

Mr. BURCH. Just one moment. I feel myself in duty bound to [illegible]nce to the chair that there was an absolute difference of recol[illegible] between Mr. Beaulieu and myself in regard to certain matters [illegible] he has interpolated here, and charged and stated as having

occurred. I did not design to be irregular, but our friends of the press are here, and language goes out necessarily upon a matter of that supposed importance to the public, and I did not think it was proper for me to let it go by in the position which I occupy for a period of time without a challenge so that the public might understand that I absolutely, with the exception of the fact that he was there, don't remember any of the matters which he states to have occurred, in the manner or to the effect or purport of what he states.

Mr. GRAHAM. I suppose you intend that statement for the press?

Mr. BURCH. I intend that statement for the committee and press, both.

Mr. GRAHAM. The committee could hardly consider it against a sworn statement.

Mr. BURCH. No. I will swear to it to the committee at the proper time.

(At this time a recess was taken until 10 o'clock a. m., January 29, 1912.)

WHITE EARTH RESERVATION

No. 13

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 29, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk.*

WHITE EARTH RESERVATION.

MONDAY MORNING, JANUARY 29, 1912.

Present: Mr. Graham (chairman) and Mr. George.

Appearances, same as previously.

GUS H. BEAULIEU, recalled:

Examined by Mr. BURCH:

Q. Mr. Beaulieu, you gave testimony, I think, on Saturday, relative to a letter which was published in the Tomahawk, of which you said you had a copy, or something of that sort, addressed to one Berm, from Representative Steenerson. You had a more or less extensive correspondence with Mr. Steenerson, have you not, from time to time—that is, you have had more or less correspondence with him?—A. Well, I want to qualify your question—"extensive"—I wouldn't wish to say that.

Q. You have had more or less?—A. I have had more or less. I have had some correspondence.

Q. You know his signature?—A. Yes.

Q. I would like to know if that is it, in your opinion [showing witness paper]?—A. Well, now, I would not swear positively. It doesn't look like it.

Q. Do you know the signature of Fred Dennis [handing witness another paper]?—A. Yes.

Q. Would that look to you like his signature?—A. Yes; that looks to me like his signature.

Q. Do you know the other party?—A. No, sir; I don't.

Q. That is all.

Examined by the CHAIRMAN:

Q. Just a moment, Mr. Burch. You said, on Saturday, in answer to questions by Mr. O'Brien, your attorney, about the action of Judge Morris—I am not clear what you said with reference to the trial at Fergus Falls. I think what you said was that he discharged the defendants. I suppose what he did was to instruct the jury to find a verdict for the defendants?—A. Well, that is what I intended to convey.

Q. Have you the instructions he gave the jury?—A. I have not; but Mr. Powell, I think, has them.

Mr. POWELL. I have them.

The CHAIRMAN. Might I see them?

Mr. POWELL. I have not them before the committee, but I will bring them at 2 o'clock, if that will be satisfactory.

The CHAIRMAN. Very well.

Mr. BURCH. That is all, Mr. Beaulieu.

Mr. BEAULIEU. I would like to correct a statement that I made the other day, which, if it was made as it appears in the papers, I must have been mistaken about. Yesterday I wrote it down so as to

correct it. That is, I said I wish to correct what might have been misunderstood in my testimony of Saturday. I would like to have this go into the record. I do not recall what I may have said about the Indian Office at Washington, if anything, in connection with the so-called Clapp Act; but it would seem that I was misunderstood; for I never consulted the Indian Office, regarding the good of the Indian, for I know too well that it is always opposed to any progressive legislation concerning the Indians. What I did intend to convey to the committee was that I had talked with the commissioner about it in Senator Clapp's committee room, while the latter was chairman of the Indian Committee, and while the bill was pending before it, and that he made no objections to the bill, except that there should be no discrimination against the full bloods, for it was only an experiment.

The CHAIRMAN. Your correction is suggested by a newspaper report of the testimony?

Mr. BEAULIEU. Yes.

The CHAIRMAN. Very well.

Mr. BEAULIEU. All the papers seem to agree as to what I said, and for that reason I want to make the correction.

The CHAIRMAN. Your testimony in the record may be all right, but in any event your statement now is what you want to stand as your testimony—this correction?

Mr. BEAULIEU. Yes. I never called at the Indian Office and I never consulted the Indian Office, but I merely talked over the matter with Commissioner Leupp in the committee room, and this is all that we said about it.

Mr. BURCH. Mr. Chairman, in the statement of the committee, as well as in the general trend of this investigation, the attitude of Mr. Beaulieu, who has just left the stand, and his general doings in connection with White Earth matters, as the committee has stated, has been called into question. On Saturday afternoon, just before closing, an attorney, Mr. C. D. O'Brien, appeared as counsel and friend of Mr. Beaulieu, and proceeded, by a line of interrogation, to prove the character, as I understood it, on the part of Mr. Beaulieu, in the form of questions to Mr. Beaulieu himself, which makes germane to this inquiry certain matters from miscellaneous documents relating to Indian affairs, of the Office of the Commissioner of Indian Affairs; and we desire to read official matter from that volume—volume 16, page 58, of the documents of that office.

The CHAIRMAN. Does it bear upon his relation with the White Earth Reservation?

Mr. BURCH. It strictly does, and his personal character, etc., which I will ask, by reason of its being fine print, that my associate read, and we will prepare a copy to be inspected and, if necessary, to be proven, to be offered in the usual way. We have not the copy prepared at this moment, but we will have the copy prepared, so as to put it in in the usual way, the documents necessarily having to be returned to the Indian Affairs Committee.

Mr. BEAULIEU. Before that goes in I would like to see it, so I would know what they intend to do now. I believe I should see it before it is offered in evidence.

Mr. BURCH. I think so, too.

The CHAIRMAN. Let me see the volume, Mr. Burch.

(Mr. Burch hands book to the chairman.)

Mr. O'BRIEN. There are two documents—one the letter of the Commissioner of Indian Affairs to the Secretary, and the other a letter from the Secretary of the Interior to the Commissioner of Indian Affairs.

The CHAIRMAN. I do not know what it is worth, but it appears to be within the range of the hearing.

(Mr. Beaulieu examines the volume.)

Mr. BEAULIEU. Now they are taking up a matter which was decided in my favor. I commenced a suit in this and got a judgment, and I think this should not be allowed to go in. This has been all thrashed over in the circuit court of appeals, and I got a decision against the United States Indian agent at White Earth.

The CHAIRMAN. What was the nature of the case?

Mr. BEAULIEU. I intended to start a newspaper up there, called The Progress; that was the first paper started. The paper was seized by the agent, and I commenced suit against him.

The CHAIRMAN. Was that the time that Mr. O'Brien spoke about—some official who was an Irishman coming there and levying on the things with a crowbar?

Mr. BEAULIEU. Yes, sir.

The CHAIRMAN. Well, I suppose anything tending to explain that would be——

Mr. BEAULIEU. I have really no objection; but it seems to me Mr. Burch is trying to devote his whole time in this investigation to putting in things and getting it so as to deprive me of the right to explain my side.

The CHAIRMAN. He can not deprive you of any rights, Mr. Beaulieu, so far as the committee is concerned. You shall have every right; but your attorney, Saturday, went over the history of your connection with the reservation from some time in the eighties——

Mr. BEAULIEU. 1886.

The CHAIRMAN. And these communications, which are official, come within the period which is covered, and really I do not see how you can refuse to let them go into the record.

Mr. BEAULIEU. I really had no objection, only they take up a lot of time, and that is what Mr. Burch intends to do—to kill time.

The CHAIRMAN. We want to avoid that; and when your attorney, Mr. O'Brien, is here, if he wishes to make additional explanation concerning you, he can have the right.

(To Mr. Burch.)

Mr. BEAULIEU. Mr. O'Brien will be unable to be here until 2 o'clock, on account of a marriage in his family, which takes place to-day.

The CHAIRMAN. Mr. O'Brien, you read them.

Mr. O'BRIEN. I will read from page 58 of this volume 16, Department of Interior, January 14, 1887, to the Secretary of the Interior, as follows:

[Misc. Doc. Indian Affairs, vol. 26, pp. 12854-12855.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 14, 1887.

The SECRETARY OF THE INTERIOR.

SIR: I am in receipt of a communication from Agent Sheehan, of the White Earth Reservation, Minn., dated December 8, 1886, submitting certain affidavits relative to the bad and desperate conduct of Gus H. Beaulieu, Clement H. Beaulieu, sr., Theodore B. H. Beaulieu, and one or two others of their friends.

The ... nt states that after removing Gus H. Beaulieu twice from the reservation under existing orders he returned on the 3d of December, 1886, to remain on the reservation, defying all law and orders, gathered a small posse of his friends together, armed with revolvers, guns, and other deadly weapons, and made a stubborn resistance, declaring that he would kill and shoot the agent, the captain of police, or any of the force attempting to lay hands on him or attempting to remove him from the reservation; that he was vigorously backed by Clement H. Beaulieu, sr., and Theodore B. H. Beaulieu, one of whom was armed with a large heavy iron poker and the other with a revolver, and that Gus H. Beaulieu defiantly declared that he would submit to no orders emanating from the Secretary of the Interior, Commissioner of Indian Affairs, or Indian agent.

In view of these facts the agent asks that authority be granted for the removal of Clement H. Beaulieu, sr., and Theodore B. H. Beaulieu from the reservation; and he firmly believes that it is an utter impossibility for himself or any other agent to advance the interest of the Indians until the three Beaulieus are permanently removed.

I am also in receipt by department reference of communication from Senator McMillan, dated December 17, 1886, inclosing letter from C. H. Beaulieu, defending the conduct of his brother, and asking for a searching investigation.

Senator McMillan trusts that the investigation will be made. I am also in receipt by department reference of a communication from the Attorney General, dated January 5, 1887, transmitting for the information of the department a copy of a letter from the United States marshal and United States attorney for Minnesota, requesting a modification of the recent order which directed the removal of Gus H. Beaulieu from the reservation.

These officers state that Beaulieu is and for many years has been deputy marshal and as such has been intrusted with the service of warrants and subpœnas in prosecutions under the liquor laws; that the witnesses in these cases very often are Indians, residents on or beyond the reservation; that it is impossible to subpœna and procure the attendance of Indian witnesses in these cases without an officer thoroughly familiar with the Indian country and well acquainted with the Indians and their language; that they do not think another person can be found nearly as well qualified for this service as Beaulieu; and that the order excluding him from the reservation will practically give immunity to the persons who introduce whisky into the Indian country and dispose of it to Indians on the reservations. They suggest that the order ought to be modified so as to permit Beaulieu to go upon and pass through the reservation for the purpose of executing warrants and serving subpœnas in this class of cases.

The conduct of this man, Gus H. Beaulieu, has been the subject of complaint for many years and the matter has repeatedly been investigated and his removal several times directed. The conduct of this man and his relatives, as shown by affidavits submitted, call for such action as will sustain and protect the agent carrying out the orders of the department.

In office report of May 13, 1883, referring to the fact that G. H. Beaulieu was reported to be a United States marshal, it was stated that the charges of shameful immorality and drunken habits on the part of this man appeared to be well founded, and that, such being the case, he was an unfit person to live among the Indians, and certainly should not be an officer of justice or an employee under the Government. It was therefore recommended that the matter be referred to the Attorney General, with the request that such action be taken in the premises as the Department of Justice might deem proper. I can not believe that no person can be found to discharge the duties of deputy marshal in cases referred to by the district attorney as efficiently as Beaulieu.

It is believed that the chief of police, John G. Morrison, and others, persons of good character, would prove equally efficient, to say the least.

I have the honor to recommend that authority be granted for the agent at White Earth Agency, Minn., to remove Clement H. Beaulieu and Theodore B. H. Beaulieu from the reservation, and that he be directed to call upon military authorities at Fort Snelling for a detachment of troops to eject these men and Gus H. Beaulieu from the reservation, if necessary.

I also recommend that the War Department be requested to instruct the commanding officer, under the command of a proper officer, for the purpose above indicated, when called upon by the agent at White Earth.

I further recommend that copies of the report of Agent Sheehan and affidavits accompanying the same be referred to the Department of Justice, with the request that the Beaulieus be arrested for assault with intent to kill, if the facts as presented seem to warrant such proceedings.

I inclose duplicate copies of this and Agent Sheehan's report, and of the affidavits accompanying the latter, and return Senator McMillan's letter and inclosures, and the letter from the Attorney General with its inclosures.

Very respectfully, your obedient servant,

J. D. C. ATKINS, *Commissioner.*

Also, page 375 of the same volume.

[Misc. Doc. Indian Affairs, vol. 26, pp. 13173-13174.]

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1887.

SIR: I have considered your report of the 14th instant, "submitting certain affidavits relative to the bad and desperate conduct of Gus H. Beaulieu, Clement H. Beaulieu, sr., Theodore B. H. Beaulieu, and one or two others of their friends," on the White Earth Indian Reservation in Minnesota.

The matter has been brought to the attention of the Department of Justice, with request that instructions may be given to the proper officer of that department, directing that Gus H. Beaulieu be no longer employed as deputy marshal or otherwise for any service on any Indian reservation.

The reply of the Department of Justice, dated the 22d instant, is herewith inclosed, wherein it is stated that copies of the correspondence have been furnished to the United States marshal for the district of Minnesota, with instructions to discontinue the employment of said Beaulieu for any service whatever upon the White Earth Reservation.

In compliance with your recommendation, authority is hereby granted for the agent at White Earth Indian Agency, Minn., to remove Clement H. Beaulieu, sr., and Theodore B. H. Beaulieu from the reservation, and if he shall find it necessary, he is hereby authorized and directed to call upon the proper military officer at Fort Snelling, Minn., for a detachment of troops to aid him in ejecting those men and Gus H. Beaulieu from the reservation.

These proceedings should not be entered upon until after the agent shall have consulted with the United States marshal for the district of Minnesota, and shall have been advised by him that the instructions of the honorable Attorney General in the matter have been complied with.

The matter has this day been brought to the attention of the honorable Secretary of War, with request that instructions may be given by his department to the proper military authorities to have the call of the agent, if made, for a detachment of troops to aid him in carrying out the instructions of this department, complied with.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

Mr. BEAULIEU. They go on and read that orders were issued against my father and Theodore Beaulieu, but they don't go on and read that the Secretary instructed the Commissioner of Indian Affairs to revoke the orders so far as they are concerned.

Mr. O'BRIEN. We will be glad to.

The CHAIRMAN. If you will point it out in connection with the others, we will have it go in.

Mr. BEAULIEU. If they read one part they should read the whole letter.

Mr. BURCH. I will announce to the chairman that the whole letter, half of this book, in fact, is devoted to White Earth affairs, though not to Mr. Beaulieu's affairs; we have it in our custody; it is said to be the only copy extant; it will be perfectly free, under proper guardianship, for the inspection of Mr. Beaulieu or his counsel or the committee or any person interested. We are personally responsible to the Secretary of the Interior for the return of this volume. It is the only one in use, but there is nothing concealed about it, and it is perfectly free to anyone.

The CHAIRMAN. Mr. Beaulieu, let me suggest to you, and you can make the choice, whether you had not better wait until your attorney, Mr. C. D. O'Brien, comes in and goes through it with care and selects from it such reasonable amount of matter as you ought to have in the record and let that go in at one time, or you can have this letter go in now if you desire.

Mr. BEAULIEU. Well, then, it might as well go in. I would also like to have the parties find out whether the order was issued against

me after I had made charges against the agent for allowing the dead and down timber. The charges against the agent and some lumber firms in this city and others there were the cause of this letter.

Mr. BURCH. The matter we have just called for, Mr. O'Brien, is ready to read; a copy will be made of it and put in the record, if he so desires——

The CHAIRMAN. Yes; and the committee wants it read.

Mr. BURCH. The same volume, page 376, dated Department of the Interior, Washington, March 19, 1887, signed L. Q. C. Lamar, Secretary, addressed to the Commissioner of Indian Affairs.

Mr. O'Brien then read the letter, as follows:

[Misc. Doc. Indian Affairs, vol. 26, pp. 13174-13175]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 19, 1887.

SIR: I have considered a verbal request made to me by Clement H. Beaulieu, sr., for revocation of the order issued under department authority of January 24, 1887, for the removal of himself and Theodore B. H. Beaulieu from the White Earth Reservation.

I am not satisfied that it will be for the good of the service at this time to revoke the order referred to, but in view of the representations and assurances made to me by and on behalf of Clement H. Beaulieu, sr., and also regarding Theodore B. H. Beaulieu, that they will hereafter, if permitted to remain upon the reservation, observe the rules and regulations of the department, will respect the authority of the agent having charge of the reservation, and will live peaceably and quietly at their homes, I think the execution and enforcement of the order for their removal may be held in abeyance during their good behavior and their full compliance with the assurances and promises made for their future good conduct on the reservation.

The agent of the White Earth agency should be instructed accordingly.

The order for the removal of Gus H. Beaulieu is not affected thereby.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

Mr. BURCH. In this connection, Mr. Chairman, we desire to say that we have made diligent search for any revocation of the order of removal as to Gus H. Beaulieu at any time since it was entered, and have been unable to find any such revocation. Therefore, we will leave it to Mr. Beaulieu if that order was revoked so that he could properly have gone back upon the reservation to present proper evidence to that effect. Otherwise, we should naturally expect the committee to draw the conclusion that since that order he has never been properly on the reservation.

The CHAIRMAN. Well, that would be the law of the case. The condition once established would be presumed to continue.

Mr. BEAULIEU. I assume, of course, that the decision of the court was sufficient to permit me to go back on the reservation; the court decided in my favor and I got judgment against the agent and went back.

The CHAIRMAN. I suggest that you wait for your attorney, to present this matter in a formal way. Proceed, gentlemen.

W. D. ANDREWS, recalled.

Examined by Mr. O'BRIEN:

Q. Mr. Andrews, do you remember about the year 1906, the time the so-called Clapp amendment was passed, by which the White Earth Reservation was opened up, in a measure?—A. I do.

Q. Where were you, just prior to that time?—A. In various places, traveling over the State, and part of the time in this city.

Q. Did you pass through the reservation just prior to that time?—A. Perhaps two or three weeks before this.

Q. On what road?—A. On the Soo line.

Q. That is the line that runs from the north to the south through the reservation, and goes down through the town of Detroit, does it not?—A. Yes, sir.

Q. Did you notice anybody anywhere on the train at the time you passed through the reservation at that time?—A. Why, I do not know that I noticed anyone anywhere; no.

Q. Did you notice any great number of Indians on the train getting out at the various points?—A. Yes; I did.

Q. Did that arouse your curiosity at all?—A. Well, in a measure; yes.

Q. Did you have any conversation with any of the Indians asking them as to where they were going and what they were going to do?—A. I did with one young man that sat in the seat with me. The train was crowded, and he occupied part of the same seat.

Q. What answer did he make?

The CHAIRMAN. What question was asked him, first?

Q. The witness has testified the train was crowded.

The CHAIRMAN. He also testified that his curiosity was aroused; but he has not told us what he said, or asked, that afternoon.

Q. What did you ask the young man?—A. I asked him where so many of his people were going, and if there was a circus down at Detroit. I presumed that there was a show, or something.

Q. What did he say in reply?—He replied that he was going to Detroit, and that the others, so far as he knew, were going to Detroit.

Q. For what purpose?—A. He said that there was an act before Congress, which had passed one House and was about to pass the other, which would give the mixed bloods a right to dispose of their allotments on the reservation, and that the information they had received was such that they were positive the act would become a law, and that he was going to Detroit to make arrangements to secure a loan upon his allotment.

Q. A loan from whom?—A. I don't know that he said.

Q. From an individual, a bank, or what?—A. I don't know; I don't think he said from whom. Of course, I concluded that he would make a loan from the regular agencies.

Q. Was that or was it not the first intimation you had in regard to this so-called Clapp Act?—A. I knew there was such a bill before Congress, but I did not know that it was as near its passage at that time.

Q. Were you at all interested in learning when it passed?—A. I was.

Q. For what purpose?—A. I wanted to purchase some of the land upon the reservation. I will add, if the bill passed and the lands were salable.

Mr. GEORGE. What was this act? Was this the Clapp amendment?

A. The Clapp amendment of 1906.

Q. What did you do after you had this conversation with the young man on the train?—A. Continued on my way, arriving home here in Minneapolis the next morning.

Q. Then what did you do with reference to the White Earth Reservation?—A. I wrote Senator Clapp, and I think two Representatives from our State, asking them to inform me when the act became completed and had been signed by the President.

Q. Were you so notified?—A. I was; yes.

Q. At the time the act had been approved?—A. I was; yes.

Q. Then what did you do?—A. I went to the reservation with the intention of trying at least to purchase some of these allotments.

Q. Who went with you, if you know?—A. My partner, Mr. C. B. Steelman and Dr. W. A. Shoemaker, president of the St. Cloud Normal School.

Q. State what your experience was, Mr. Andrews, when you arrived upon the reservation.—A. The first thing I am coming to here—I use the first person, "I," because what I say will apply only to myself, and not to my partner or Dr. Shoemaker; so I will use the first person. I went to White Earth for the purpose of seeing Agent Michelet and Mr. Beaulieu. I wanted to obtain, if I could, information regarding who were mixed bloods and who were full bloods, as I knew the act applied only to the sale of the allotments of the mixed bloods. I first visited Mr. Michelet, and told him of the information I wanted. Mr. Michelet informed me that a few days prior to the passage of the act, and from that time on to the time I was there, there had been a good many from different parts of this State and other States upon the reservation, and he was fearful that there would be undue advantage taken of some even of the less intelligent mixed bloods.

Q. That is what he told you?—A. Yes; he told me this; and he said he didn't want to give any information out that would assist in any way for anyone to deprive even the mixed bloods of any of the rights, or anything that might tend to aid anybody to deprive them of any of their allotments. He said I was a stranger to him; he knew nothing of the matter, and refused to give me any information. I then visited the office of the Tomahawk and met Mr. Beaulieu, and I can say frankly that Mr. Beaulieu also refused to give me any information as regards mixed bloods and full bloods, and I understood it was for the same reason, that he wanted to protect the rights of the mixed bloods as well as the full bloods.

Q. For that reason he told you that he would not give you the information?—A. Yes. So I went my way without any information, and until I had become quite well acquainted with a number of mixed bloods on the reservation I found it impossible to do business with them at all. For two weeks I didn't buy a single allotment.

Q. Now, why didn't you buy a single allotment during that time?—A. Well, I think there were two reasons. One reason was that they didn't know me, or were suspicious of me, and the second reason was that they were all inclined, or said they would prefer, to borrow money upon their allotments and not sell their allotments.

Q. Why did they say they preferred to mortgage their allotments and not sell them?—A. They told me that they could borrow, and were borrowing, this money, as a rule, for 10 years, and that in 10 years their allotments would be worth so much more than at the present time. They thought the better way was to borrow the money, and not sell, but to hold their land.

Q. Did you call their attention at that time to any of the conditions of the mortgages that they were signing?—A. I did.

Q. What did you say?—A. I told them that in each and every mortgage that they signed they would find that they were expected to pay at least yearly interest, and I presumed sometimes semiannual interest, and I don't know that this applies to all, but I know it does to some, for they told me that they were very much surprised, because they supposed there was nothing to pay until the 10 years was up, and if that was a fact, that they had to pay an annual interest, that they would perhaps be unable to do so, and if they found that to be true, would consider the sale of their land.

Q. What effect did that statement have upon the Indians that you talked with?—A. Well, all I can say is this, that some of the same mixed bloods that had refused to sell me before, when they saw me the next time offered their allotments for sale.

Q. Then, in other words, so far as you know, it had not been previously explained to them that they must make payments a long time before the 10 years were up, if they wished to prevent the foreclosure of the mortgages?—A. Well, all I can say is that some that I talked with did not so understand their mortgages.

Q. Do you know a man by the name of A. L. Thompson, of Mahnomen?—A. Well, now, I may know him, but I don't remember names well.

Q. A banker at Mahnomen?—A. I think I know all the banks. I can not call them by name.

Q. I will ask you, do you know Mr. A. L. Thompson, this gentleman here; do you remember him [indicating]?—A. I don't believe I do. I might know him if I were to see him behind his counter, but I do not recognize him just now.

Q. Do you know any of the banks, so called, at Mahnomen?—A. Yes; there are two banks there; one is—I don't know if it is owned by Mr. Birkett, but Mr. Birkett is always behind the counter. There is one on the west side and one on the east side, on the opposite corner.

Q. Which one was it that this gentleman was in?—A. I say I don't know whether I saw this man or not. I did some business at the bank on the east side of the street.

Q. The bank there is the Dakota Bank?—A. Yes.

Q. Will you state briefly what business you did at the other bank, the bank other than the Birkett Bank—that is, the one on the east side—it seems that we are unable to identify it; the witness has testified that there are two banks, one in each direction. Do you remember the names of the banks?—A. I don't. I know one is on the west side and one is on the east side, and I know Mr. Birkett is on the west side.

Q. State what your experience was in the other bank. The business you transacted there, either directly or indirectly?—A. The only business I had there was through the bank, paying some of the money that I had to pay for some of the allotments.

Q. Do you recall an incident that happened at that time, about as follows: You sought to buy certain allotments from certain Indians, and found that this bank, which you describe as being the bank other than the Birkett Bank, had mortgages upon these allotments. Do you recall that?—A. Yes, sir.

The CHAIRMAN. Just a moment, please. Can not you inquire of some bystander who knows the name of that other bank?

Mr. THOMPSON. At that time it was the First State. The present name of the bank is the Security State.

Q. What is the other bank?—A. The Birkett Bank.

The WITNESS. Were you there at that time?

Mr. THOMPSON. No.

The WITNESS. I thought I didn't remember you.

Q. Will you describe that incident to which I refer to the committee?—A. Yes, sir. Among other allotments that I was wanting to purchase was an allotment of Charles Smith and Joseph Morrison. They came to me, offering to sell their allotments, but I found that this bank had arranged with them for a loan upon their allotment, and I told them that I would not purchase their allotments.

Q. Just a minute there, Mr. Andrews; please state the kind of mortgage that was taken. Was all the money advanced upon the mortgage?

The CHAIRMAN. He has not yet said there was a mortgage. He said they had arranged for a mortgage.

Q. Go ahead.—A. They had arranged for a mortgage, and I told them that I would not purchase the allotments until such mortgage or application for a mortgage had been released, if any papers had been filed against said allotments, and I inquired of them the conditions of the application, or of the mortgage, if such there was. They told me that each had applied for a loan of $300, and that each had received $25 as earnest money and had been promised their money at a certain day. They said they had called at the bank and the money was not ready for them, but they were asked to call again, which they did, and, if my memory serves me rightly, they had called the third time at the suggestion of the bank and had been informed that their money was not there, for the reason that the Eastern money loaners had become aware that the sale and disposing of these allotments could apply to the sale of allotments of mixed bloods only, and that they were afraid that the money might be loaned on allotments of fullbloods, and therefore the money was withheld and had not arrived, but that it would arrive later after explanations were made, and Mr. Smith and Mr. Morrison asked me to go to the bank and see if they would not release the mortgages and allow them to sell. At their request I called at the bank and was informed that they would be only too glad to release the mortgages, as the money had failed to arrive, and with that understanding from the bank I made arrangements to buy the allotments, and the parties were to meet me in Mahnomen and give me a deed and receive their money. They met me at the stated time and I went with them to the bank to get the releases, and I found that there was two mortgages taken in each instance; the first mortgage was for $300 at 6 per cent interest for 10 years. Attached to each mortgage note was 10 coupon notes showing the interest, to be detached each year as payment was made. Then a second mortgage at 4 per cent, with similar coupons attached to the note, was issued. (Please strike out that three or four words. I made the same statement two or three times there.) And when we offered payment the bank at first demanded that the second note, which they called a commission note, be paid in full, which would be 4 per cent for 10 years.

Q. On the $300?—A. On the $300.

Examination by Mr. GRAHAM:

Q. I don't quite follow you in that.—A. There was a note at 6 per cent given, which presumably went to the eastern money loaner. Then a commission note of 4 per cent, which would be $12 a year for 10 years, was drawn to be paid—the $12 to be paid annually.

Q. Was that the second mortgage?—A. That was the second mortgage.

Mr. O'BRIEN. That was the bank's commission.

Mr. GRAHAM. And what was the principal note?

A. The principal note was $300 at 6 per cent interest.

Q. And the second note was for what principal sum?—A. The second note was simply 10 notes, I believe, if I remember correctly. The first note was about eighteen dollars and something, and the following eight were $12 each, and the last one was enough less to make them all equal $12, the first one being for about $18 and the last one being about five or six dollars.

Q. Are we to see some of these mortgages?

Mr. O'BRIEN. We have none unless some of the gentlemen at the bank wish to present them. I have never seen them myself.

Q. Were they recorded?

Mr. O'BRIEN. Yes; they were recorded. We will produce testimony as to their being recorded, to-day I hope.

The WITNESS. Can those be presented without being used as exhibits in the case?

Mr. GRAHAM. Without being retained? Oh, yes. If we could see the originals we could substitute copies of them for the use of the committee.

Q. Can you produce some of them? I wish you would.—A. I can if the committee desires.

Q The committee does desire it. This is much more satisfactory then a mere description of them.—A. I will say to the committee that I am quite positive that in one instance those papers were turned over to me, and I think in both, but I am not quite positive. If I have the one it will illustrate to you what they are.

Mr. GRAHAM. You will produce them and you can have them back.

Q. Will you state, Mr. Andrews, what demand was made by the bank before the bank would release these mortgages?—A. Why, at first the demand was made that these commission notes be paid in full, and I very strongly objected.

Q. Never mind your objection; just tell us briefly what the demand was. What did the person in charge of the bank say there was necessary before he would release these mortgages?—A. I couldn't give the exact words at this time, but there were two demands. He first said it would be necessary to pay the commission notes.

Q. What was that amount to be on $300?—A. It would have amounted to $120.

Q. All right. Now, what was the other demand?—A. And that he wanted $5 for making out the papers.

Q. Did he say anything about the $25 previously advanced?—A. Certainly. He wanted that repaid.

Q. That is, $25 more? Any other demand made?—A. I think not. That was the first demand only. That doesn't complete the transaction.

Q. All right. Go ahead and explain it.—A. As I remarked, I very strongly objected and advised the parties not to pay any such sum

and finally the gentleman behind the counter made the concession that he would release the two notes for the commission on one—for one full commission—that is, release the two notes for the one full commission—that is, the half of the commission on each one.

Mr. BURCH. That is, $60 instead of $120?

The WITNESS. Yes, I think so; but it was not divided in that way. I believe Mr. Smith was charged $50 and then some five or ten dollars for making out papers, returning the notes, etc.

Q. What was the only actual money that the so-called bank had advanced the Indians on each of these mortgages?—A. $25, as I understood it.

Q. For how long a period of time had the Indian that loan of $25?—A. I think the records would be the best evidence there.

Q. State approximately. Was it 30 days?—A. Oh, if my recollection serves me rightly, these mortgages, or, rather, the application, was dated between the 20th and 30th of June. Perhaps about the 25th of June.

Q. And what time was it you were there?—A. About the middle of July.

Q. It was less than a month, then?—A. I should so imagine.

Q. Will you please figure up, Mr. Andrews—you are good at figures—at what rate of interest this so-called bank charged the Indians for this $25 for a period of less than 30 days? Wouldn't it be between 3,000 and 6,000 per cent?—A. I hardly think it would be competent for me to say that when you have the time and the amount in the record here, that each one could figure for himself.

Q. I will ask you to figure up in this particular instance that you speak of, and let the committee know. You are in the farm insurance business here; you are an expert in that line, and we would like to have you figure the percentage the Indians were charged on this $25 loan.—A. Well, now, I think I should be——

Q. Now, just answer this question.—A. But you wanted all the light on this——

Mr. BURCH. Certainly.

A. And I think I should answer that, as I remember now in the Smith case, that there was a statement handed me at the time the payment was made, that Mr. Smith had purchased from the bank and from somebody else—some horses and other things had been purchased, and the parties had gone with him to the bank and made arrangements that when the money was to be paid that this was to be held out for them, to be paid then, so that may have been taken into consideration.

Q. Well, that was only as to the Smith case, wasn't it?—A. Only as to the Smith case, so far as I know. I don't know whether it applies in the other case or not.

Q. State what you told the Indians finally, after you were informed that the bank had insisted upon the conditions that you have stated, prior to the releasing of the mortgages.—A. I advised them not to make payments. I told them that I thought it was exorbitant and I would not ask them for a deed, but that I would wait on them and that if necessary, while I was not an attorney, I would like to have their case and I thought I could guarantee them that they wouldn't have to make any such payments.

Q. Let me see if I have followed you correctly. The agreement for the loan was for a loan of $300 which was to bear 6 per cent interest for a period of 10 years. The interest was represented by 10 separate coupon notes for $18 each, attached to the principal note or in connection with it?—A. Yes; at 6 per cent interest.

Q. That would be $18 a year and in addition to the principal note and the real interest notes, there were 10 other notes?—A. Yes.

Q. For 4 per cent interest, or commission, on the principal loan of $300?—A. Yes, sir.

Q. That would be $12 for each note?—A. Yes.

Q. And there are 10 of those?—A. Yes, sir.

Q. Payable annually too?—A. Yes, sir.

Q. Do you recall what the consideration in these notes was said to be?—A. I don't know that I do.

Q. You have some of these notes?—A. I have the notes; yes, sir. Those notes, there are 10 all detached. There is a sheet about this size, and each particular coupon is perhaps about 2½ by 4 inches, to be detached as paid.

Q. Like the coupons on a mortgage bond?—A. Yes, sir.

Q. Now, when the maker of the note and mortgage came to settle up, in less than a month after the deal had been made, and he wanted a release, the persons who held the mortgage had at that time advanced to him only $25 in cash?—A. I so understood it. Yes.

Q. But in order to release the mortgage, they required him to pay how much money?—A. As I remember, Mr. Smith was finally released by the payment of $50 and either five or ten dollars for the making out of the papers.

Q. Make it $5. Take the smaller amount now.—A. I think that is correct, too, Mr. Chairman.

Q. What else, if anything else, did he have to pay to get the releases?—A. The repayment of the $25 advanced, and of course they retained what he had asked them to retain for the purchase of the horses and other property.

Q. Well, that was really a legitimate charge, was it not?—A. It was; yes, sir.

Q. So that we don't need to consider it now?—A. I am sorry that this has been brought up. I didn't know that this particular part of it would be, but I will say that I think that better evidence than mine would be the real statement handed to me at that time, which I would prefer to let the committee see, rather than to testify.

Mr. O'BRIEN. Have you that in writing?

A. Yes, sir.

Mr. O'BRIEN. What statement was that?

A. The Smith statement.

Mr. O'BRIEN. There is no horse involved in the other transaction?

A. Not that I know of; we were talking about this one particular one.

Mr. O'BRIEN. Tell the committee, Mr. Andrews, were any of these other transactions similar at all?

Mr. GRAHAM. What I wanted to get to was the agreement—that is, the mortgage transaction, naked, stripped of all other transactions, as you have given it. All that it amounts to is this—that for the use of $25 for something less than a month the borrower had to pay $50 in of money and $5 to cover the expenses of making out the papers?

A. I think that would be all; yes, sir.

Mr. GRAHAM. Was the $5 expenses for making out the papers an exorbitant charge?

A. I think it was not.

Mr. GRAHAM. So that, boiled down to the naked proposition, the $50 was paid for the use of the $25 for less than one month?

A. I think that is all; yes, sir.

Mr. GRAHAM. And, of course, the payment of the original principal sum of $25 in addition?

A. Yes, sir.

Mr. GRAHAM. To get at the rate of interest, you would simply have to figure—if you figure it out for a whole year, of course—for a year it would be $600, and the arithmetical problem involved is, if one pays $600 for the use of $25 for one year, what was the rate per cent?

A. About 2,400 per cent. But may I suggest that this is simply an individual transaction by an individual.

Mr. GRAHAM. I shall want to ask you about that later.

A. But I really can not see that it would apply in general.

Mr. O'BRIEN. You are not to judge of that, of course.

A. Well, I don't see why it should be brought up.

Examined by Mr. GRAHAM:

Q. I will ask you now some things that I have been intending to ask you later. How many such instances do you know of?—A. That is all.

Q. Those two?—A. Those two.

Q. Have you any information on which to base inferences as to whether there were other cases like those, or nearly like that?—A. No I don't know that I have.

Q. What knowledge of this or what connection with it had Mr. Michelet?—A. None whatsoever.

Q. You were there to buy the land for yourself or for some other concern?—A. I was buying it for my partner and I.

Q. Buying it for him as an individual?—A. Yes, sir. We own our lands principally individually—that is, we usually divide them——

Q. Let me be direct about it, so you will not misunderstand me. Were you or were you not buying it with a view of turning it over afterwards to that lumber company or any other corporate concern?—A. Oh, no; I bought nothing but prairie lands. I expected to afterwards sell it to the actual settler.

Q. You were buying agricultural lands, and instead of getting the value or use or benefit of the unearned increment when they increased in value to a price high enough to suit you, you expected to sell to an actual settler?—A. Yes, sir; exactly as I had years previous in North Dakota and Manitoba and Assiniboine. One question of the chairman suggests that I should make another statement. When you asked about Mr. Michelet, if he knew anything about this. I want to say that when I first went on the reservation Mr. Michelet and Mr. Beaulieu both refused to give any information that would assist in buying any lands at all. I have testified to that. Now, after I had bought some lands I met Mr. Michelet again and Mr. Michelet thanked me for the treatment accorded those I had dealt with, and told me that if I would come to his office he was then willing and ready to

furnish me any information that he had in the office; that he would assist me in any way he could.

Q. Did you go on his invitation?—A. No, I didn't. I didn't buy any more lands after that.

Examined by Mr. O'BRIEN:

Q. Who was the other party besides Mr. Smith in this transaction to which you refer?—A. Morrison, I believe, was the name.

Q. What demand, if any, did the bank make upon him before it would release the mortgage upon his allotment?—A. The same demand that they made upon Mr. Smith.

Q. Why did the bank recede from its original demand and compromise at a lower figure, which amounted to only 2,400 per cent?—A. That I don't know.

Q. Was it because you had advised the Indians not to accept the original proposition of the bank?—A. They receded after I had given such advice.

Q. Did the Indians hold a meeting after the demand had been made by the bank, do you recollect?—A. I think not.

Q. Do you recollect the Indians coming to you and telling you that thay had held a meeting and had come to the conclusion that inasmuch as this was their first dealing with the paleface, and that they had often heard of people losing their farms in lawsuits, they had decided to accede to the demands of the bank and pay the money?—A. I don't quite understand your first question; when you say the Indians, you mean the two, Mr. Smith and Mr. Morrison?

Q. Of course; they are the only Indians.—A. Yes; they asked for time to consider what to do, and perhaps an hour later they came to me, Mr. Smith and Mr. Morrison, and told me that they had decided not to act upon my advice, but had decided to make the payment to the bank as they demanded, and they asked me to make such payment to the bank and get back the papers and the releases, which I did.

Q. Do you recollect the Indians saying at that time that inasmuch as this was their first dealing with the paleface, and they had heard of people losing their farms in lawsuits, they had decided to accede to the demands of the bank?—A. Yes, sir; that is practically the statement they made to me.

Mr. GRAHAM. Does any other gentlemen wish to question Mr. Andrews?

Mr. BEAULIEU. When you came to my office, asking information from me, was it about any particular person, or was it about the Indians generally?

The WITNESS. It was about the Indians generally—as to who was mixed bloods and who was full bloods.

Mr. BEAULIEU. What was my reply to those requests?

The WITNESS. I can't remember your exact words, but you gave me to understand that your only interest in these people was to see that they received fair treatment, and that you would not give me or anybody else any information until you knew for yourself that the parties to whom you gave it intended to and would treat your people fairly.

Mr. BEAULIEU. That is all.

Five minutes recess.

W. D. ANDREWS recalled:

Mr. GRAHAM. Mr. Andrews will resume the witness chair for the purpose of answering the following questions. Mr. A. L. Thompson, who is now connected with one of the banks referred to, desires to ask these questions:

Q. At the time you bought the land, do you know if the bank was ready to pay the balance of the loan?—A. It was not.

Q. (Addressing Mr. Thompson.) Could you not change that so as to make it clear? Was the bank ready to advance to the borrower the balance of the loan? Your answer to that was what?—A. They were not.

Q. What did you pay for the land?—A. I believe, in fact I know, I paid Mr. Smith $8 an acre for his land.

Q. For an allotment of 80 acres?—A. Yes, sir.

Q. And the other man?—A. The same price.

Q. Let's see. What was the other man's name?—A. Joseph Morrison.

Q. Are you sure that these allottees, Smith and Morrison, were mixed bloods?—A. Yes, sir.

Q. Have you received patents in fee on these lands?—A. No, sir.

Q. Have you made application for patents in fee?—A. No, sir.

Mr. GRAHAM. Is there anything further, Mr. Thompson?

Mr. THOMPSON. No, sir.

Mr. GRAHAM. That is all, Mr. Andrews.

EDWARD B. LINNEN recalled:

Mr. BURCH. Mr. Linnen, please return to the stand.

Mr. GRAHAM. Mr. Linnen has been sworn [addressing Mr. Andrews]. When we may look for the mortgages and notes of which you told us?

Mr. ANDREWS. I will bring them right in. I will be here probably within 15 or 20 minutes.

Mr. GRAHAM. Very well. And any other papers. You mentioned a statement you had. Please bring all your papers in connection with that transaction.

Proceed, Judge Burch:

Q. Mr. Linnen, with reference to what occurred in connection with the agricultural lands, as well as the cancellation or switching of the allotments which you have heretofore testified about, have you now received the necessary book which you referred to?—A. I have.

Q. Will you read anything that refers to that, if you have anything in your hands or anything that refers to the agricultural lands in particular, if you have anything to be read into the record on that subject, and we will file it with the committee afterwards.—A. With relation to the testimony I gave the other day, I stated in substance that it was my opinion, and it was also the opinion of Mr. Moorhead, who assisted me, that certain additional allotments had been selected in advance, and had been noted in pencil on the tract books on file in the Indian office at White Earth.

Q. In advance of what?—A. In advance of the additional allotments.

Q. Would that be in advance of Easter Monday, 1905, April 24, 1905?—A. Yes, sir.

Q. All right; go ahead.—A. And I had submitted with my report a statement which I had marked "Exhibit A," showing those erasures [illegible] pencil notations on the tract books. Since that time the tract

books have been received here from White Earth, and I refer now particularly to the tract books.

Q. You may read your report. Did you read your report the other day—that is, section A of your report?—A. No, I didn't, Mr. Burch, because it gives—it simply gives a great many descriptions, with the names of the parties; giving the name of the party, the description of the land, the township and range in which it is situate, as copied from this tract book.

[Paper marked Burch's Exhibit No. 46, being Exhibit A of the Linnen-Moorhead joint report.]

BURCH'S EXHIBIT No. 46.

[Jan. 29, 1912.]

[Accompanying Inspector Linnen and Special Indian Agent Moorhead's report on the White Earth Reservation.]

LIST SHOWING ERASURES AND PENCIL NOTATIONS AND CHANGES MADE ON THE TRACT BOOKS, PRESUMABLY PRIOR TO THE ALLOTTING AT THE WHITE EARTH AGENCY.

Erasures entered on tract book in pencil:
Pah neez wub e quay, SW. ¼ of SE. ¼, Twp. 141, R. 37, sec. 1.
Mush kah wah be tung, SW. ¼ of SE. ¼, Twp. 141, R. 37, sec. 12.
Nah gah we twon ay aush, S. ½ of SE. ¼, Twp. 141, R. 37, sec. 21, interlined.
Muck ud ay we gwon abe, N. ½ of NE. ¼, Twp. 141, R. 37, sec. 24.
Odish quay ge shig oke, S. ½ of NE. ¼, Twp. 141, R. 37, sec. 24.
Pe nay see, NE. ¼ of NW. ¼, Twp. 141, R. 37, sec. 26.
Pencil:
Nay tah way way such, SE. ¼ of NE. ¼ and lot 1, Twp. 141, R. 38, sec. 3.
Kow we tah yaush, S. ½ of SW. ¼, Twp. 141, R. 38, sec. 3, erased.
Nah wah cumig o quay, S. ½ of NE. ¼, Twp. 141, R. 38, sec. 4, erased.
Kay tah ke wub e quay, lots 3 and 4, Twp. 141, R. 38, sec. 4, erased.
She she be, or Lucy Bellanger, N. ½ of NE. ¼ of NE. ¼, Twp. 141, R. 38, sec. 10.
O bah baum, S. ½ of NE. ¼ of NE. ¼ and SE. ¼ of NE. ¼, Twp. 141, R. 38, sec. 10.
Josephine Beaulieu, W. ½ of NE. ¼, Twp. 141, R. 38, sec. 10, erased.
Alice Mee, W. ½ of SW. ¼, Twp. 141, R. 38, sec. 10, erased.
Entered on tract book in pencil; erasure:
All of sections 21 & 22 in Twp. 141, R. 38.
Koon e qaun ah quod, N. ½ of NE. ¼, Twp. 141, R. 38, sec. 27, pencil.
Pe she ke ah chu, SE. ¼ of SE. ¼ (erased), Twp. 141, R. 38, sec. 29, pencil.
All in sections 1 & 2 of Twp. 141, R. 39 (erased).
Chin go ge shig, S. ½ of NW. ¼ (erased), Twp. 141, R. 39, sec. 4.
Kay dug e gwon ay aush, SW. ¼ of SW. ¼, Twp. 141, R. 39, sec. 4.
Ke zhe woub, S. ½ of NW. ¼ (erased), Twp. 141, R. 39, sec. 5.
All of the SE. ¼ (erased), Twp. 141, R. 39, sec. 5.
All of the SW. ¼ (erased) Twp. 141, R. 39, sec. 5.
Clement Monchamp, W. ½ of SE. ¼ (erased), Twp. 141, R. 39, sec. 7.
Mean ance shish, E. ½ of NW. ¼, Twp. 141, R. 39, sec. 8.
Charles Monchamp, W. ½ of NW. ¼ (erased), Twp. 141, R. 39, sec. 9.
All of section 11, some erased.
Wah bun un nung o quay, NE. ¼ of NW. ¼ (erased), Twp. 141, R. 39, sec. 12.
Duncan McDougall, SW. ¼ of NW. ¼, Twp. 141, R. 39, sec. 16.
Sophia Bellanger, E. ½ of SW. ¼, Twp. 141, R. 39, sec. 16.
All of sections 17 & 18, some erased.
NE. ¼, Twp. 141, R. 39, sec. 20.
Lizzie McDougall, W. ½ of NW. ¼, Twp. 141, R. 39, sec. 21.
Oke mah ain ish, W. ½ of SW. ¼, Twp. 141, R. 39, sec. 21.
O be gwod, S. ½ of NE. ¼, Twp. 141, R. 39, sec. 26.
O be quod, S. ½ of NW. ¼, Twp. 141, R. 39, sec. 26.
William Boswell, N. ½ of SE. ¼, Twp. 141, R. 39, sec. 26.
SW. ¼, Twp. 141, R. 39, sec. 26.
Me zhe gee, NE. of SW. & SE. of NE., Twp. 141, R. 39, sec. 28.
NW. ¼, Twp. 141, R. 39, sec. 28.
Lots 4 & 5, Twp. 141, R. 39, sec. 30 (erasure).

Entered on tract book in pencil; erasure—Continued.
Lots 1 & 3, sec. 3–141–40.
Catherine E. McDougall, lots 3 & SW. ¼ of SE. ¼, Twp. 141, R. 41, sec. 26.
Lot 1 of Twp. 141, R. 41, sec. 35.
(See sec. 13. See sec. 24–25–26–141–41.)
Various in sections, Twp. 141, R. 42, sec. 1 & 2.
Susan McDougall, for which lot 1 & SE. ¼ of NE. ¼, Twp. 141, R. 42, sec. 3, was reserved but was not given this particular tract.
Betsey Foster, NW. ¼ of SE. ¼ & SW. ¼ of NE. ¼, Twp. 141, R. 42, sec. 5.
Joseph Brunette, NE. ¼ of SW. ¼, Twp. 141, R. 42, sec. 5.
Arthur J. Foster, SE. ¼ of SW. ¼, Twp. 141, R. 42, sec. 5.
Various in sections 8, 9, 10, & 11.
Maggie Anderson, SW. ¼ of NW. ¼, Twp. 141, R. 42, sec. 13.
McArthur family, SW. ¼, Twp. 141, R. 42, sec. 13.
Various in sections 14 & 15.
Clara Bellefeuille, N. ½ of NE. ¼, Twp. 141, R. 42, sec. 16.
Mary Monchamp, NW. ¼ of NE. ¼ & SW. ¼ of NE. ¼, Twp. 141, R. 42, sec. 17.
Paul Monchamp, NW. ¼ of SE. ¼ & SW. ¼ of SE. ¼, Twp. 141, R. 42, sec. 17.
Various in section 18.
Eva McArthur, SW. ¼ of NW. ¼, Twp. 141, R. 42, sec. 24.
Peter Brunette, SW. ¼ of NW. ¼, Twp. 141, R. 42, sec. 25.
Hedwidge Bisson, SE. ¼ of SW. ¼ & SW. ¼ of SE. ¼, Twp. 141, R. 42, sec. 34.
Various in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, & 27, Twp. 142, R. 37, sec.
Frederick Van Wert, NW. ¼ of NW. ¼, Twp. 142, R. 37, sec. 29.
Charles Bellanger, N. ½ of NE. ¼, Twp. 142, R. 37, sec. 31.
Various in section, Twp. 142, R. 37, sec. 34.
Kay bay ge shig oquay, lot 3 & SW. ¼ of SE. ¼, Twp. 142, R. 37, sec. 35.
Louzon & Lynch in section 1 & 2, Twp. 142, R. 38, sec.
Entered on tract book in pencil:
Meline Bellanger, lots 3 & 4, Twp. 141, R. 40, sec. 2.
Ah sah waince Roy, lot 1 & SE. ¼ of NE. ¼, Twp. 141, R. 40, sec. 3.
O me mee, SW. ¼ of SW. ¼, Twp. 141, R. 40, sec. 4; SE. ¼ of NW. ¼, Twp. 141, R. 40, sec. 5.
Annie Bellanger, lot 5, Twp. 141, R. 40, sec. 6.
Josette Broad, SE. ¼ of NW. ¼ & lot 7, Twp. 141, R. 40, sec. 7.
John & Susan Stager, SW. ¼, Twp. 141, R. 40, sec. 7.
Alice Lambert (nee Otto), SW. ¼ of NE. ¼, Twp. 141, R. 40, sec. 9.
O ge dah cum, SW. ¼ of SE. ¼ & SE. ¼ of SW. ¼, Twp. 141, R. 40, sec. 10; all of sections 11, 12, 13, 14, 15, 16, 17, 18, Twp. 141, R. 40.
Lizzie McDonald Cogger, NE. ¼ of NW. ¼ & NW. ¼ of NE. ¼, Twp. 141, R. 40, sec. 20.
Joseph Cogger, NW. ¼ of NW. ¼, Twp. 141, R. 40, sec. 20.
Peter Brunette, SE. ¼ of SE. ¼, Twp. 141, R. 40, sec. 20; all in sections 21, 22, 23, 24, 25, 27, Twp. 141, R. 40.
Frank Trotochaud, lots 2 & 3 & NW. ¼ of NW. ¼, Twp. 141, R. 40, sec. 29.
Amelia Bellefeuille Spry, SE. ¼ of NE. ¼, Twp. 141, R. 40, sec. 34; NE. ¼ of NW. ¼, Twp. 141, R. 40, sec. 35.
Mary Spry, N. ½ of SE. ¼, Twp. 141, R. 40, sec. 35.
Annie Bellanger, lot 1 & 2, Twp. 141, R. 41, sec. 1.
Pe daun ah quod, lot 4 & NE. ¼ of SW. ¼, Twp. 141, R. 41, sec. 1.
Alice Lambert, lot 2, Twp. 141, R. 41, sec. 6.
Willie Warren, SE. ¼ of SE. ¼, Twp. 141, R. 41, sec. 6.
Eurene Tobin, lot 7, Twp. 141, R. 41, sec. 6.
Various, Twp. 141, R. 41, sec. 13.
Eva Angeline Brunetter, NE. ¼ of SE. ¼, Twp. 141, R. 41, sec. 23.
Various in sections 24, 25, Twp. 141, R. 41.
Wah we yay cumig, chief, NW. ¼ of NW. ¼, Twp. 142, R. 38, sec. 12.
John G. Bean, SE. ¼ of SW¼, Twp. 142, R. 39, sec. 22.

Q. Well, the Department of Justice, having succeeded to the possession of them, I mean the combined forces of the Department of the Interior having succeeded in the report which you of the Department of the Interior filed, and having treated that report as a basis of their action in which much expense has been made by the Department of the Interior and Indian Bureau in the work of subsequent

investigation, and I may say prosecution, I think we are now entitled to have your report before this committee, so that they may consider about those expenditures that have occurred in connection with this matter. In other words, show that it was or was not justified.

Mr. GRAHAM. May I see the report?

A. Yes; the exhibit, do you mean?

Q. Yes; the exhibit to the report.—A. It covers a great many descriptions of land.

Mr. BURCH. Let the committee examine it, Mr. Linnen.

(Committee examines exhibit referred to.)

A. What I referred to was cases like those, where it had been written in with a pencil [indicating on the exhibit].

Mr. GEORGE. This is the actual original pencil?

A. As I take it; yes, sir.

Q. And this is the ink on top?

Mr. GRAHAM. Now, beginning at the beginning of this exhibit in the tract book, what is the first one of these cases you want to call our attention to?

A. The first part doesn't show it as good as other parts. It is marked "erasures." And some other name has been written here and erased.

Q. Yes; comparing your Exhibit A with the tract book on page 1, I find in the column "Indian name of allottee," the name Pahneez Weu-be-way. In the next column to the right, under the heading "English name of allottee," a name had been written in in ink, it appears to me——A. Yes.

Q. And has been erased?—A. Scraped.

Q. Is there enough of it remaining to enable you to give an opinion as to what the name erased, was?—A. No, sir.

Q. Do you wish to draw any inference from the condition of the tract book that I have described?—A. Simply that it is one of many erasures.

Q. Well, is there anything in that erasure to indicate improper conduct on the part of those who kept the tract book?—A. No; I would not particularly say that. Possibly; yes.

Q. Passing along in the tract book, will you call our attention to one of those where the erasure, or rewriting, in your judgment justifies an inference of improper conduct?—A. There are a great many, Mr. Chairman, that indicate that to me. For instance, here, the name had formerly been written in pencil and erased. This name had been written in pencil and erased, leading me to believe that there might be something irregular about it.

Q. Let me ask you some questions that will put the matter in the record for you.

Mr. GRAHAM. On the seventh line of page 41, under the heading "Indian name of allottee," there was a name written in in pencil; the initials "A. A." appear pretty clearly yet. That name has been erased. In the column under the heading "English name of allottee" is the written name "Charles Mouchamp." Do you draw any inference of improper conduct from that circumstance?

A. I would simply say that that is one of a great many of a like character, where the name had been penciled in the tract book, which, to me, is a very suspicious circumstance and led me to believe

that this tract may have been selected and penciled on the book in advance for that party.

Q. Would there be any reason in the way these tract books are usually kept for writing the Indian name in pencil and later on in the next column, to the right, writing the English equivalent and then erasing the Indian name penciled in?—A. No, sir. The Indian name should appear in ink.

Q. In some cases both the Indian name and the English equivalent are written, and in many others not.—A. Yes, sir

Q. Where the Indian name appears without any English name, does that mean that the party had no English name?—A. I so understand it.

Mr. GRAHAM (using magnifying glass). That doesn't help it much with me.

A. This was the name [indicating]. Charles Mouchamp was the name. "A. A.," additional allotment. Charles Mouchamp has been erased.

Mr. GRAHAM. On the line to which I refer I find now, by the aid of a magnifying glass, which I did not have when I asked you awhile ago, that the letters "A. A." precede the name and that there were initials after them; and it is tolerably certain that the pencil-written name was the same as the one under the head of the English name; that is, Mouchamp. I can not myself make out the Christian name, but my associate, Mr. George, thinks it is Charles. Now, in that event, what would the letters "A. A." stand for?

A. Additional allotment.

Q. That would not be a part of the name of the person?—A. No, sir.

Q. Well, if our judgment about what the erased name was be correct and that the erasure would read "A. A. Charles Mouchamp," what inference would you draw from that; the erasure being under the head of the Indian name and the English "Charles" being opposite it under the English name?—A. Simply this: It aroused my suspicion, and occurring as frequently as it did in the names of mixed-bloods, led me to believe that those names were penciled on the tract book opposite the various tracts of land in advance of the allotting, which was made in April, 1905, and that if any other person had come into that office and had applied for these tracts of land which are penciled in, the names of these various persons which appear on this tract book, some of which have been erased and some of which still remain, that it would have been stated to them that that tract had already been selected.

Q. Charles Mouchamp is not an Indian name, is it?—A. I don't know the gentleman.

Q. Well, I mean the words "Charles" and "Mouchamp" are not Indian words, are they?—A. No, sir.

Q. There is no apparent reason why that name should be written in pencil under the heading "Indian name of allottee," is there?—A. None whatever.

Q. The same name with the introductory letters "A. A." before it appears in the same column under the head of "Indian name of allottee," on the ninth line on the same page, under circumstances exactly like those on line 7, except that the name "Charles" is pretty clear in the name erased in line 9, each of those being for a

40-acre tract of land. Both of those would constitute one allotment at that time?—A. Yes, sir.

Q. On lines 12 and 13 of the same page there were erasures made under the heading "Indian name of allottee," but they are so perfectly made as not to indicate in any degree what the writing erased was. The English name in the next column reads "John Fairbanks," taking two lines, each for 40-acre tract—no, lots 7 and 8 of section 9, township 141, range 39, one being for 49.50 acres and the other for 32 acres, making practically one 80-acre allotment. Have you any inference that you wish to draw from that circumstance?—A. It is my belief that that name had formerly been written in in lead pencil and thereafter erased under the column headed "Indian name of allottee."

Q. Two lines below that—that is, on the second line below—I find lot 6, southwest quarter section 9, township 149, range 39, tract 42.25 acres, in the column headed "Indian name of allottee." I find written in ink "Way-jou-e-me-gwon." The paper there shows that before that name was written in ink something else had been written there and erased. There is not now, and appears never to have been, anything written in the column under the heading "English name of allottee." Does that circumstance enable you to draw any inference?—A. Well, it is simply a suspicious circumstance, showing that there had been some writing there in pencil which had been erased and this name written over it.

Q. How many erasures appear on page 41 of the tract book?—A. Well, I should say there were 8 or 9 on that page, possibly more. I guess 10. About 10, I believe.

Q. Out of how many?—A. Out of 18 names.

Q. Are you familiar with tract books such as this?—A. I am very familiar, sir, after an experience of about 18 years in Government land offices and Indian offices; I am very familiar indeed with tract books.

Q. Are such erasures common or uncommon in them?—A. They are very uncommon.

Q. Again referring to page 41, can you tell the committee whether the persons whose names are on that page are mixed bloods or full bloods; more particularly those where the erasures occur?—A. Well, I would say that, in my judgment, they are both full bloods and mixed bloods, the majority of them being mixed bloods.

Q. For instance?—A. For instance, Baptiste Bucette, Charles Mouchamp, John Fairbanks, Willie Le de bour, Kathrine Bellanger. The majority of those are people, I believe, who have considerable French blood in their veins.

Q. Can you tell from the descriptions on the tract book the character of the land these allottees got, as to whether it was agricultural or timber land?—A. I could not, sir; I just took that page out at random in the book and I don't know as to the specific tracts.

Q. Well, if your inference be correct, these were choice lands?—A. Yes, sir.

Q. And were reserved for favorites?—A. Yes, sir.

Q. Do you know whether we will have proof as to whether that is true?—A. I believe you will, sir. The tract books and the evidence to follow will show that conclusively, I believe.

Q. Can you call our attention to some other pages of the tract book where conditions similar to those on page 41 are found?—A.

Yes, sir. I would desire to call the committee's attention to the allotments made in the various sections of township 141, range 40, which, taken as a whole, considering the various sections in it, show a greal deal of pencil writing. For instance, on page 58, under section 7, the name of Josette Broad, the name of Susan M. Stager, John Stager; on page 59 the name Alice Otto; on page 60 the name Mud-way-co-zhe written over the pencil name, the pencil name being the same. On the same page the name Frederick Barry, Leander Wakefield, John Holmes, Clara A. Quinlan, Susan Charette, William Weaver, Henrietta Holmes. On page 61 the names Louisa Mason, William James Harlan, Ke-zhe-baunce and Wau-be-gwon, Sarah Mason, Sophia Saice, Clara Thomas, Leander Wakefield, James Mason, Peter Trotochaud. On page 62, John McDonald, jr., Richard Gagnon, Amelia Spry, Joseph H. Gagnon, Joseph Cogger, Joseph H. Gagnon, Julia I. Gagnon. On page 63, Amelia Spry, John Bellanger, Pe-wah-bick-o-quay, David Cogger, Sarah Cogger, Henry Viznor, Mary S. Fairbanks, Sarah Cogger, George H. Charette. On page 64, Lizzie Cogger, Joseph Cogger, Peter Brunette. On page 65, Angeline Viznor, Michael Vizenor, Ella A. Sweet, Josephine Gagnon.

Mr. GEORGE. Do all the pencil marks, the penciled names in English or Indian language, appear in the one column headed "Indian name of allottee"?

A. They do; yes, sir.

Q. So that the erasures are in that column alone?—A. Yes, sir.

Q. Your conclusion is, from your testimony, that the original pencil entries were in this column here, in the English name or in the Indian name?—A. Yes, sir.

Q. And that afterwards somebody went through the books and wrote the same name, or other names, in ink; putting the name in the Indian column or in the English column, as required by the rules of the book?

A. Yes, sir. On page 66, the names Joseph Roy, Matilda Bellefeuille, Don H. Bellecourt, Tristilda Bellecourt, Arthur Vizenor, Aloyslius Bellefeuille.

Q. In some places black ink is used and in other places purple ink is used. I don't notice that there are any erasures where the black ink is used, but only where the purple ink is used. What would this signify to you?—A. It signifies this. That the original entries were made in black ink and the entries subsequent and some time following the time when the additional allotments were made. For instance, six months or a year after, they were also made in black ink instead of purple. But the purple ink writing signifies to me that that writing was done about or shortly after the additional allotments were made. That ink was then being used.

Mr. BURCH. Mr. Linnen, did you investigate when these different kinds of ink were made use of to some extent?

A. Yes, sir.

Q. Well, I don't ask you what the result of the investigation was, I merely asked you if you investigated. Are the persons living and accessible who can testify to that? You say you investigated.—A. Well, I investigated sufficiently to determine in my own mind.

Q. That would not be evidence, necessarily, your mere conclusion or opinion; but are any of the persons who were at work in the office

at this particular time and when this particular ink was being used, so that we could reach them?—A. I don't know, sir. There are unquestionably a number of those people now living.

Q. That might be.

Mr. GRAHAM. How many kinds of records are kept at the agency? Those tract books, and what other records?

A. There are a great many kinds of records, Mr. Chairman.

Q. About how many that you can now recall?—A. That would be very hard to determine, but as to the descriptions of the lands, I would say that this book covers——

Q. That is not my point. You don't quite apprehend what I am trying to get at. The question has been asked by Mr. George, if there is any significance in the fact that many of the entries appear in black ink and many others in purple ink; those in black ink being of an earlier date than the others. The point I want to get at is, what evidence you discovered, if any, as to the change in the office in the color of ink in general use there, and whether the black ink referred to a date, for instance, prior to the alloting of this land, and the purple ink to a date subsequent to that?—A. I see the point you are trying to make, and I can only say this. That there must be as many as forty or fifty different sets of records of one class or another in that Indian office.

Q. Do they all show this change?—A. I could not say as to that, sir. These books themselves are significant as to that. An examination of them will show you that the black ink writing was done prior and subsequent to these dates.

Q. Are there any other pages of the tract book to which you wish to call special attention?—A. On page 66, the names Isabel Vizenor, Josephine Brunette. Page 67, Ida McDougal, Jennie Blue, Margaret La Due.

Q. Without giving the names, please proceed to refer to the pages and the number on each page of pencil notations or erasures.—A. Following, on page 68, 4 pencil notations; page 69, 3 pencil notations; page 71, 1 pencil notation; page 72, 2 pencil notations; page 73, 4 pencil notations and 1 erasure, the erasure being in the name of Margaret Fairbanks; page 75, 3 pencil notations; page 79, 5 pencil notations, 3 of which are dittoed.

Q. What page?—A. Page 79. Page 85, 9 pencil notations; page 86, 2 pencil notations; page 90, 1 pencil notation; page 94, 4 pencil notations; page 96, 16 pencil notations, 2 of which are dittoed; page 97, 9 pencil notations, 6 of which are dittoed; page 98, 3 pencil notations and 1 ditto; page 99, 10 pencil notations, 4 of which are dittoed.

Q. Have you been through the entire tract book with a view to looking at this particular matter?—A. I have, sir. And I would say this, that I desire to offer the notations and erasures and corrections as made in the whole of this tract book and refer to same by this Exhibit A, and even further additions or pencil notations and corrections on the tract book which do not appear on Exhibit A. For instance, I said sections 11, 12, 13, 14, 15, 16, and 18. That covers a great deal, and while it may be that the whole of those sections are not affected, some of them are. I refer to some—practically all of these sections. As many as 20 or 25 changes appear in 142–37, offered here, that we haven't come to.

Q. You may pick out any particular page, for the sake of brevity—we can not go over the whole book—and use that to illustrate your point.—A. On page 114 of said tract book, being for lands in township 142, range 37, pencil names appear as follows: Grace Warren, Osh-kin-o-we, Theodore B. Beaulieu, twice; John Carl, Clara Fairbanks, John Carl again, and Clara Fairbanks again. On page 115 several erasures that have been written in pencil and the names in pencil, David Potter, Zyp-hre-velle; Mary Richards Ash; Grace Warren; Everet W. Fairbanks, twice; John B. Warren, twice; Alice W. Le de Boer, twice. On page 116——

Mr. BURCH. I would suggest that the witness might take it back to his seat.

A. I am nearly through. The name of John Le Rue, twice: the name of Exilda Peterson; Rose St. Pierre; Libbie B. Miller, twice; Anderson Boswell, twice; Lizzie Marshall, dittoed; Mary Perrault, dittoed; Fred Van Wert, and other pencil erasures. On page 117, Samuel St. Pierre; William Fairbanks, dittoed; Ella Gravelle: Mary Anderson; Joe Knickerbocker; Cecille Cowen; Julia Frank, dittoes; Harry Gagnon; Kathrine Roy, both written twice; the names Mary Gagnon and Kathrine Roy; William Aspinwall. On page 118, numerous names—21 names written in pencil.

Q. Out of how many; a total of how many?—A. Out of 32 descriptions, and in that, along in that way, with a more or less number of names written in pencil and thereafter written over in ink, or showing erasures in the whole of that book on the various pages, appear hundreds of pencil notations and corrections.

Q. How many pages in the book occupied with descriptions?—A. The descriptions in the book run from page 1 to page 224, inclusive. But I would judge that there would be quite a good many pages embracing townships where there were not any, or but very few, if any, pencil notations.

Q. Now, can you give us any information as to whether the penciling and erasures occurred in those sections or townships where the land is valuable and desirable more than they do where the land is not valuable and is not so desirable?—A. That is my understanding.

Q. After investigation of that particular feature?—A. Yes, sir.

Mr. GRAHAM. Now, Mr. Linnen, if I have grasped your point correctly, it means about this: There is testimony in the record tending to show that when the line of allottees passed into the office and suggested the tracts they wanted they were very frequently told by the agent, and those acting with him, that those tracts were already taken?

A. Yes, sir.

Q. When there was some evidence tending to show, as a matter of fact, that they had not been taken?—A. Yes, sir.

Q. And the inference you want us to draw from your testimony now is that where these pencil names are in the column under the heading of "Indian name of allottee," that these pencil names had been inserted before the allotment and that the applicant was told that tract had been chosen, when in fact it was not chosen, but merely noted in pencil on the tract book?—A. Yes, sir. My contention is this, and my opinion is this; that there were certain favored individuals whose names had been penciled on the tract books against certain various good tracts of land in advance of that allotting, and

their names were subsequently written in ink against those tracts of land, and if any other person had come into the office and requested to make a selection of land covering some of those tracts which had been penciled out, they could not have got it, although in fact they were at the time open?—A. Yes, sir.

Q. I notice in the tract book as you turned over the pages in some instances the name penciled in under the head of "Indian name of allottee" is the same as the name written in ink under the head of "English name of allottee," whereas in other instances a different name appears in the English column from that in the Indian column. Do you draw any inference from that?—A. Well, that occurs quite frequently, and in some instances I would say that where the two names differ it may be that one was the maiden name, for instance of a woman, and the other would be her married name; but there are instances, I think, where the name altogether has been changed.

Q. In one case as you turned I noticed in parentheses in the Indian column the familiar word "née."—A. Yes, sir.

Q. Giving another name, but indicating that the lady had been married in the meantime?—A. Yes, sir.

Q. Well, how could the lady be married between the time when the entry was made in the Indian column and in the English column? Shouldn't they have been made at the same time?—A. If the allotment was made honestly, they couldn't have been made differently.

Q. Unless the ceremony was performed there in the office?—A. Yes, sir.

Mr. GEORGE. What is the rule—that the first name or the married name be given?—A. Well, I would say——

Q. In case of a married woman, what would appear on the books at the time of the allotment?—A. I should say if she had an Indian name that would appear and her English name following.

Mr. GRAHAM. Does the Indian name change with marriage?—A. Not on the land roll. The Indian name remains the same on the allotment roll, but they change it to fit the case when the party gets married.

Q. Does the Indian woman's name undergo an actual change when she is married? That is, if she had no English name?—A. Well, I couldn't say just as to what their tribal custom is, but their——

Q. Taking the very familiar name as an illustration. If ——— had lived to marry, would her name have continued until death, or would she have taken a different name after marriage, if you know?—A. I could not say positively.

Mr. GRAHAM (addressing Mr. Beaulieu). How is that, Mr. Beaulieu?

Mr. BEAULIEU. They remain just the same. They don't change them after they get married. They have no given name or no family name.

Mr. GRAHAM. I understand. There is no modification made in the name in any way to indicate whether she was married or a single woman?

Mr. BEAULIEU. No, sir.

Mr. GRAHAM. No description such as Miss or Mrs.?

Mr. BEAULIEU. Nothing whatever.

Mr. BURCH. Mr. Linnen, you may sit down now. I would like to ask you one question before we adjourn. Mr. Linnen, the testimony you have just given is along the theory which you advance and the

opinion which you express, of allotments having been marked down—that is, lands having been marked down in advance of the allotment?

A. Yes, sir.

Q. I wish to interrogate you. I ask you if you examined these books with reference to allotments having been switched after they had been made—that is, having been changed from one party to another after the allotments had been made?—A. I recall that I did make such investigation. It was not very thorough, however.

Q. I will interrogate you about it this afternoon.

Recess until 2 o'clock p. m.

AFTERNOON SESSION.

W. D. ANDREWS, recalled:

Mr. GRAHAM. Mr. Andrews, have you brought the statements with you that you promised us?

A. I have.

Q. Will you produce them?—A. I will. Mr. Chairman, if I may be permitted, I think I should make a statement in presenting these that I omitted at the time that I was giving my testimony, and if it will be possible, it will be much better if what I say now will appear at the correct place in my testimony in the records; that is simply this: That the parties told me they had received $25 each when they made application for their money. I stated that they had come in some two or three different times to receive that money, and the money was not there. They told me that at each time when they came in for money, that the bank advanced them a little money each time, as I remember some 10 or 12 dollars each time that they came in when the money was not there, and I think that the record will show here that Mr. Smith received in all $65 [handing papers to the committee]. Now, perhaps one would be all that you want. I have them both.

Mr. BURCH. In this immediate connection, may I ask a question?

Mr. GRAHAM. Certainly.

Mr. BURCH. Did you understand that that $65 was added to the 50 or 60 dollars, whichever it was, that was charged on the coupons?

A. No, sir; not at all. It was entirely independent.

Q. Well, I say, it is still charged? Do I understand that they still charged the 50 or 60 dollars, whichever it was, in addition to collecting back the amounts of money that had been paid?—A. Yes, sir. We have the statement right here.

Mr. GRAHAM. I will read the statement to you. You might take it into the record. It is on the stationery of the First State Bank of Mahnomen, Mahnomen, Minn. "Statement of account of Charles Smith with the First State Bank of Mahnomen:

Cash received	$65.00
T. H. Blanchard	150.00
Olson & Froshaug	16.65
Commission	50.00
Recording abstract	5.50
	287.15

Amount paid by W. D. Andrews.

H. C. AAMOTH.

Mr. GRAHAM. One of the papers you hand me is a principal note with ten coupon notes attached to it?

A. Yes, sir.

Q. The principal note being for $300. All the coupon notes except the first and last ones being for $18 each. The first is for $28.45 and the last for $7.75.—A. Yes, sir.

Q. That would make an average of $18 in all?—A. Yes, sir.

Q. Now, where is the mortgage which secured this note?—A. I think you will—I haven't got the mortgage, but you will find the release of the mortgage there showing——

Q. I do find a release here.—A. Yes, sir.

Q. Was the mortgage the ordinary form of mortgage?—A. I never saw the mortgage. The release only was handed to me.

Q. You don't know anything about any forfeiture clause in it?—A. No, sir; I don't.

Q. The principal note is dated June 30, 1906, and the body of the note reads:

On the 30th day of June, A. D. 1916, without grace, for value received, I promise to pay to the order of C. J. Lofgren at the First National Bank, Ada, Minn., $300 in gold coin of the United States of America, with interest from date until paid at the rate of 6 per cent per annum, payable annually according to the tenor of 10 coupon notes of even date herewith, hereto attached, with the current rate of exchange on New York. This note shall bear interest at the rate of 6 per cent per annum after maturity.

CHARLES SMITH.
FANNIE SMITH (her mark).

Her mark is witnessed by two persons whose names I can not read.

All these notes are on the same sheet and at the head of the sheet is written "United States of America." Beneath that, in large letters, "First mortgage note," and under that a scroll giving an eagle and the American flag. Then under that, in large letters, the words: "Secured by real estate." And under those, "Negotiated by C. J. Lofgren, First National Bank of Ada, Minn."

Mr. Andrews also produces a release, but the release does not seem to describe the real estate.

A. I beg your pardon, just one moment. Now I believe—isn't there two releases here?

Q. You have probably got the release for the coupon notes and the satisfaction of the other note, probably.—A. One is a release of the commission note and the other is a release of the mortgage note.

Mr. GRAHAM. Mr. Andrews hands us the satisfaction of a mortgage by the First State Bank of Mahnomen, Mahnomen, Minn., the mortgage bearing date June 30, 1906, made and executed by Charles Smith and Fannie Smith, his wife, to the bank, recorded in the office of the Register of Deeds in Book 18, on page 590. Those are all the papers you have, are they?

A. There is a commission note there, is there not? Let me see the notes. Yes, there are two releases. That is all.

Mr. GRAHAM. Well, that is all, Mr. Andrews.

Mr. ANDREWS. May I take those papers?

Mr. GRAHAM. Yes.

Mr. Andrews also hands us a paper with ten promissory coupon notes, but no principal note. The first note is for $18.97, the last or twelfth one for $5.03. All the other notes are for $12 each. They are all alike except the date when due. I will read the

first one. In the upper left-hand corner, "$18.97." Same line, "Mahnomen, Minn., June 30, 1906. On the 30th day of June, 1906, for value received, I promise to pay to the First State Bank of Mahnomen or order, at the First State Bank of Mahnomen, Minn., $18.97. This note draws interest at 10 per cent after maturity until paid, and is secured by mortgage duly recorded. (Signed) Charles Smith, Fannie Smith (her mark)." Witnessed by two persons whose names I can not make out.

Mr. Andrews, wait just a moment. That is all, Mr. Andrews.

Mr. Powell, have you the paper you promised us, with you? The committee would like to have Judge Moris's résumé of the evidence given, I take it, in his instructions to the jury in the cases referred to on Saturday.

(Mr. Powell produces the instructions.)

Mr. GRAHAM. The Chair will read into the record the charge given by Judge Page Morris, who presided at the trial of the conspiracy cases referred to on Saturday by Mr. Beaulieu and Mr. O'Brien, his attorney.

The COURT. It is my custom, and I shall not depart from my usual custom in this case, not to give extended opinions in deciding motions of this kind. In this case the sole question presented by this motion and argument is whether or not the evidence as it now stands is such that, if the jury should render a verdict of guilty, I would, upon my conscience, allow that verdict to stand. That is the question. Of course I have control of the verdict of the jury until the judgment is entered, and I have even control of the judgment until it goes from me by appeal or by limitation. The question now is whether, as the proofs now stand, if this jury should find a verdict of guilty against these defendants, I would set it aside. Would I set it aside or not? In determining that question I must consider what we have been trying. We have not been trying the question whether we have a good law or a bad law in the Clapp amendment. We are not trying the question whether that law is well administered or ill administered. I have very strong views myself, from the testimony given here, as to whether it is ill administered or not. I have very strong opinions right now on that question. But that is not the question for me to decide, and not even a question for me to express an opinion upon. The question is, What is the offense we are trying? We are not trying these defendants for having overreached ignorant Indians, and if we were I am very free to say that the testimony as it now stands I hardly think would bear out any such conclusion. I do not remember any testimony here which indicates any overreaching of these ignorant Indians by any of these defendants or by their employer. On the contrary, in one case here the man himself admitted he didn't know what the pine was worth; that he would have been willing to take a small sum for it, whereas he got $14,000 for it.

It doesn't seem to me, as far as this proof goes, that it indicates any overreaching of these unfortunate Indians by these defendants. They seem to have gotten fair prices for their pine. The question here is, whether or not these defendants have conspired together to deceive the Government. I am putting it in the smallest number of words, to deceive the Government, so that the Government would go on and issue fee simple patents when it would not otherwise have done so. That is the deception; persuading the Government by false affidavits or other means that a man was a mixed blood, when in fact and in truth he was a full blood, and thus defrauding it in the exercise of its governmental functions as to such Indians. The charge here is whether these men have conspired together to do that thing; and therefore the question is not whether that has been accomplished in this case or that case or the other case. Proof here that the Government has been deceived in a number of cases, and has issued fee simple patents to Indians who were not entitled to them, would not be sufficient, even though these defendants were instrumental in securing affidavits by which that was accomplished, to show that these men conspired together to get that done. It is the question of conspiracy that we are trying. That is the offense charged here, conspiracy. Did these four men, charged as they are here, or any two of them—because it takes two or more to make a conspiracy—did these four men here, or any two of them, conspire together as charged in the indictment to do that thing, go about it in a systematic way to do that thing? What do we mean by a conspiracy? Conspiracy is a combination or agreement of two or more persons, with a common design, and by concerted action,

to accomplish a criminal, or unlawful, purpose. Now, it would be an unlawful purpose for men to deceive the Government into doing that which it would not otherwise have done, into issuing fee simple patents to Indians which they were not entitled to. That would be an unlawful purpose. The fact that that may have been accomplished in this, that, or the other case, however, is not sufficient to show a conspiracy. The evidence must point to the fact that these men charged with conspiracy have designedly and knowingly, and with a mutual understanding, and before they were accomplished, gone about it to accomplish that purpose. That is the question. Did Gus H. Beaulieu and Benjamin L. Fairbanks, Robert G. Beaulieu and John Leecy, or any two of them, make a combination, did they agree or combine, any two of them, that they would go to work and with a common design, and by concerted action, accomplish this purpose of deceiving the Government as to these Indians, and getting from the Government patents to which these Indians were not entitled? That is the question.

Under the proofs in this case a great number of Indians up there on that reservation were entitled to such patents; a great many Indians up there had mixed blood. There must have been a great number of them. Because here was a million and a half dollars worth of timber bought by this Nichols-Chisholm Lumber Co. alone. I don't know what was bought by other companies, but a million and a half of timber was bought by the Nichols-Chisholm Lumber Co. alone. We have proof here of only 23 instances, as I remember it. I think the whole number of instances proved here was 23. Whether more could have been proved or not I don't know. If we admit everything that has been said to be true by these Indians, that they are full bloods and not mixed bloods, we have got 23 instances out of a million and a half dollars worth of pine where improper patents had been secured by these men. Now, can we say that there is proof here which would justify a jury in finding beyond a reasonable doubt that there was an agreement—whether it was in actual words or not doesn't make any difference—or combination between these defendants as charged in the indictment? Does this testimony show that they had a mutual understanding; that there was a mutual understanding between these four men, or any two of them, that they were going about deliberately to secure Indians to perjure themselves as to their blood, or witnesses to swear falsely as to that, and thus to get from the Government, by deceit and fraud, patents to which they were not entitled? Is this evidence such that I could say that reasonable men could say that beyond a reasonable doubt that was true? I do not think so.

Gentlemen of the jury, you are instructed that there should be a verdict of not guilty. I mean to say by that, gentlemen, that I now think that if you should go out this afternoon, with the proofs as they now stand, and find these men guilty as charged in this indictment I would set that verdict aside to-morrow morning if a motion were made to that effect. They may have been guilty of a conspiracy, but in this country that must be proved beyond a reasonable doubt. I do not think that the proofs as they now stand would justify you as reasonable men in finding a verdict of guilty. Therefore I instruct you, as a matter of law, that you should bring in a verdict of not guilty.

Mr. BEAULIEU. I would like to call the committee's attention to this fact, if it has not already been observed, that that decision was made on motion at the close of the Government's case.

Mr. GRAHAM. I think that statement was made, Mr. Beaulieu, in connection with this matter on Saturday.

Mr. BEAULIEU. I am not sure, but thought it was; but that is a fact and the records will show it, that this motion was made and granted at the close of the Government's case.

Mr. GRAHAM. Was the motion submitted in writing?

Mr. BEAULIEU. No; Mr. Chairman. This motion was submitted at opening of court in the morning and argued all day.

Mr. GRAHAM. I suppose the motion was made by the attorneys for the defendants and on their behalf. Your statement covers that and it is not necessary to say anything further about it.

Mr. BURCH. In this connection, Mr. Chairman, I desire to call the attention, and have it so noted upon the record in my remarks, that at no time during these investigations has the counsel for the Department of Justice alluded in any manner to the trial of the conspiracy cases at Fergus Falls, or any act of the judge or the court in connec-

tion therewith. In other words, that we have had nothing to do with this branch of the inquiry of the committee.

Mr. GRAHAM. So far as I can recall, that is true. You will remember, doubtless, Judge Burch, that on Saturday afternoon both Mr. Beaulieu and Mr. O'Brien, his attorney, referred to it, and knowing the practice of Federal judges to deliver an oral charge to the jury, and to sometimes discuss the evidence, I personally felt a desire to see the charge myself. It is not with a desire to either question, review, or find fault with it, but simply to get the judge's charge to the jury. It was referred to, and I thought it would not hurt to have it in the record.

Mr. BURCH. I find no fault with it, but I want it noted that we had no agency in it.

Mr. GRAHAM. I think that is exactly so.

Mr. BURCH. Mr. Linnen, you take the stand now, please.

(Mr. Linnen takes the witness stand.)

Mr. GRAHAM. You have already stated the purpose of your testimony and the book submitted by you to the committee this morning. I now ask you if you in your investigation had your attention called in any way to switched or changed allotments that had once—where allotments had once been made apparently in the regular course of the so-called allotting and then new lands or descriptions of lands substituted for those first allotted and the first allotment canceled? That is, the allotment canceled as made originally?

A. My attention was drawn to several of such circumstances. The particular ones I don't now recall, as I made no record at that time of them. But there were instances, as I now recall, where that had been done.

Q. You made no investigation respecting it?—A. In some instances I recall that I took the applications which were made by the allottee, which described the tract of land he requested to be allotted, and found that there was a different tract of land allotted from that which he requested. I remember of finding instances of that kind.

Q. Did you examine the stub books to see whether they conformed to what you call the original applications?—A. I did, sir; and I found certain changes just—but having made no record of them at the time I don't recall which ones they were.

Q. That is all, then.

Mr. BURCH. Now, Mr. Chairman, we are somewhat embarrassed and submit that to the committee as to what shall be done with this large tract book; how we are going to get it into the record or get it before the committee as a whole at Washington or before Congress, if the report should be made by the committee. Here is a book which is a part of the records of the White Earth Agency. It naturally can not be copied as it is unless each page should be photographed, and that probably would be an ineffective measure thus put into the record. I can imagine that the committee as a whole might want this book before them for an examination before making a report. What will the committee do with it? Will they ask that the book be brought to them when the committee as a whole get together in Washington for the report of this committee and other purposes, but at the present time return it to the agency, or what will be the course pursued by the committee in reference to it?

Mr. GRAHAM. Would it be feasible for you to photograph a few of the pages selected by Mr. Linnen which would possibly exemplify the point he makes, and put that into the record?

Mr. BURCH. Mr. Chairman, in respect to that, provided we had this book in Washington, where in the Department of Justice at least, we could have these pages photographed, as we have a powerful machine in operation that photographs everything in the nature of writing, but whether there is any such apparatus in this city I do not know. I think we could do that by sending the book to the department and having the work done there, as it is a very powerful machine.

Mr. GEORGE. Would it photograph pencil marks as well as ink?

Mr. BURCH. I think it would. I think it would photograph anything that is on the paper.

Mr. GRAHAM. On the other question, Judge Burch, I am not able to decide it for you. It may be that the whole committee will want to see this tract book. If they do want to see it, it can be forwarded to them, can't it?

Mr. BURCH. Oh, yes; certainly. Upon a call from the Interior Department there is no question but that they would require the White Earth agent to send it to Washington for that purpose.

Mr. GRAHAM. I described as carefully as I could the condition of a few pages into the record, and if the members of the committee want to see these pages of the tract book, I take it that we will have to order the book for them. So we will leave it at that.

Mr. BURCH. If the department or myself, as one of its officials, are given notice, we will undertake to see that that is done on the call of the committee.

Mr. GRAHAM. You would ask the Secretary of the Interior to get it for you?

Mr. BURCH. Very well, if the committee desires it that way, it will be all right.

Mr. GRAHAM. Mr. Linnen, Mr. Beaulieu, I think, wants to ask you some questions. He submits the questions, which I shall read to you.

Q. Did you make a roll of the full bloods while you were investigating the conditions at White Earth with Mr. Moorhead?—A. I did; a partial roll. It was not complete, but a partial roll, as full as we could make it at that time.

Q. Did you take any testimony regarding who were full bloods there; and if so, how many full bloods did you find? First, did you take any testimony regarding who were full bloods?—A. I did, sir. I took a great deal of testimony. I think it embraced some 525 affidavits which are attested by various old Indians there, chiefs and others, who had knowledge of their ancestors, their fathers, mothers, and grandparents.

Q. How many full bloods did you find?—A. Without reference to my report, I would say this: That our list established approximately 510 to 525 full bloods, adults, and we thought there were approximately 70 or 80 other adult full bloods whom we were unable to see by reason of their being absent or away from the reservation hunting or something of that kind, and we also stated that in our judgment, without making a list as we could have done from the allotment rolls

of the children and minors of those adult full bloods, we figured that there were some 700 or 800 in our judgment, which would make full bloods, adults and minors, probably anywhere from 1,000 to 1,200, as we figured.

Q. Of all ages and sexes?—A. Of all ages and sexes; yes, sir.

Q. While you were examining witnesses, do you recall a case where twin sisters came to you on separate dates, one testifying she was a full blood and the other that she was a mixed blood?—A. I do not recall, Mr. Chairman.

Q. Have you any recollection of any such circumstance?—A. No; I can't say I have now. I don't recall it.

Q. How long were you engaged in this work with Mr. Moorhead?—A. As heretofore stated, from about the 15th or 16th of July to about the middle of October, 1909. However, Mr. Moorehead had gone home probably 10 days or 2 weeks prior to that time. I was making other investigations.

Q. During the time Mr. Moorhead was with you, did he devote his whole time to the work of investigating White Earth matters, or did he devote part of his time to scientific researches?—A. He devoted his whole time to assisting me in White Earth matters.

Q. Did you and Mr. Moorhead go to Bad Medicine Lake and stay there a number of days with your assistants?—A. No, sir.

Q. Did you and Mr. Moorhead, or either of you, go to Bad Medicine Lake and stay there any considerable time during the investigation?—A. I know that I was never at Bad Medicine Lake. The investigations which I conducted were at Pine Point, Beaulieu, and White Earth. Mr. Moorhead, however, was absent for a day or two on some other point of the reservation. It may have been Bad Medicine Lake, I don't recall now, trying to ascertain other full bloods who had not come before us.

Q. Did he and you have any of the agency employees with you during your investigation?—A. We did; yes, sir.

Q. Who were they?—A. We had a clerk by the name of Edwin C. Dennis, who was employed in the White Earth office as stenographer—he is now at Cloquet, I believe—and Mr. Hurr, who was principal at Pine Point, principal of the Pine Point school, accompanied us for a time and assisted us. Those are the only two employees—oh, yes; we did have a gentleman named Lufkins, John Lufkins, acting as interpreter.

Q. In your investigation of White Earth matters, which you testified you made after Mr. Moorhead went East, did you find that any irregularities had been committed in regard to Chippewa funds?—A. I made a report with relation to certain funds, my recollection now being that it was Mille Lac funds, but there was no specific violation that I can recall that occurred at the agency. I did ascertain, however, that there had been a misuse of Government funds at Beaulieu by the principal, the former principal of that school.

Q. Did you report any irregularities which you found, or all irregularities which you found, to the department at Washington?—A. I did, sir.

Q. Is that report here, do you know, now?—A. I don't know whether all of the reports which I then made are here, but I think so. If not, we can easily get them.

Q. While you were conducting your investigations at White Earth with Mr. Moorehead, did you have any employees? Any persons employed, I take it that means other than the agency persons who aided you?—A. Yes. We had a young lady stenographer, I think her name is Leecy—Miss Leecy, I believe. She is here now with the Department of Justice officers, I believe. She was the only employee aside from the old Indian witnesses whom we used, and the interpreters. We used at that time, I may say, other employees there in the agency office at White Earth. The various clerks who were there employed assisted us at various times.

Q. From what fund, do you know, were those employees paid?—A. The employees at the agency whom we used?

Q. Well, I take it, the question refers rather to those whom you employed, who were not on the agency pay roll?—A. Well as to that, I would not be sure; but I presume it came out of the Chippewa funds. With relation to that would say that Mr. Moorehead was special disbursing officer and he disbursed the funds, took vouchers for them, and filed them with the department that would show for those.

Q. How much a day were your expenses and those of the employees, also including their compensation, can you tell?—A. Well, I never figured that up, Mr. Chairman. We would have an average of from six to eight old Indian witnesses at $1 a day each; we had one expert stenographer that I believe we paid some sixty or seventy-five dollars a month to, possibly; and the agency employees who assisted us, they were paid from one thousand to twelve hundred each, possibly; and then we did have one extra—one or two expert interpreters. They probably got $2 a day or $2.50 a day.

Q. Will the vouchers in the department at Washington show in an itemized way all these accounts?—A. They will, sir.

Q. Do you know whether Mr. Beaulieu's paper, the Tomahawk criticized you and Mr. Moorhead on the ground that your investigation was merely killing time at the expense of the Chippewas?—A. It may have, but I don't recall any such comment. I paid no attention to the paper or what appeared in it.

Mr. GRAHAM. Such an inquiry is competent at least as tending to show or as attempting to show that you might have personal feeling against the editor. Have you any personal feeling against him on account of criticisms in his newspaper of the kind I spoke of?

A. None whatever, Mr. Chairman; I am too broad-minded for that. I didn't know Mr. Beaulieu at the time and didn't meet him until some months afterwards when I met him in St. Paul, and any reference he may have made I know nothing of.

Q. Did you learn during your investigation whether Maj. Howard kept men at work constantly in his garden and around his home, and paid them with Chippewa tribal funds?—A. I did not know of any such circumstance; no, sir.

Q. Did you call on Michelet, or any of the persons who had assisted him in making the allotments, for explanation of the pencil marks on the tract book which seem to have been erased and written over?—A. As stated before, I never met Mr. Michelet. He was not there. I don't know him to-day except by sight. I don't know what employees in the office at that time had to do with the allotting, so that

I knew nothing about it except what I could ascertain from the employees who were then connected with the office.

Mr. GEORGE. That is, at the time you were making the examination?

A. At the time I was making the examination, and they knew but very little of it. Most of the employees who had been there formerly, the McDougalls, Perrault, and Van Dermeter had left the office.

Q. I understand you to say, then, that you did see and talk with some persons who were employed in the office at that time?—A. Well, no, I can not be sure as to that—whether they were employed at that time or not—but I know this, that I talked with the employees in the office and got their judgment as to what their belief was in connection with it.

Q. The question refers particularly, of course, to Mr. Michelet or any persons in his employ—in the agency employ at that time, that is, before the allotments were made; and if you got any explanation from any of them, the question asks what the explanation was?—A. I did not reduce any statements made with relation to that to writing at the time, and I haven't any specific or distinct recollection about it except that I know I talked with the employees who were there then, when I was making the investigation, as to what their views were in connection with these pencil marks and the allotting.

Q. Did you ask any of the persons whose names appear there, those whose names seem to have been erased, whether their allotments had been changed?—A. I did not; no, sir.

Q. Did you ask any of the persons whom you claim may have been favored or whom you suspect may have been favored, whether they had at any time authorized any changes to be made of their allotments?—A. I did not; no, sir. I didn't have the time or opportunity.

Q. Did you inquire whether it had been the custom for persons to apply to the agent to change their allotments before the schedule had been sent to Washington for approval?—A. Well, there was no one there then competent to answer any such questions, and I don't recall making any such inquiry.

Q. Did you learn of a single instance where an allotment had been changed by the agent in favor of some purchaser after it had been sold?

Mr. GRAHAM. The question is not quite clear to me.

Mr. BURCH. It is to us.

Mr. GRAHAM. Well, if it is clear to the witness, that is sufficient.

A. I think it is possible that some such instance occurred, and it is possible I may have taken evidence with relation to some such specific case, but I don't recall it just now. The evidence was so voluminous I can not recall any specific instance.

Q. If you can remember it, tell whose allotment it was that was so changed.—A. Well, the former answer would answer that question, I think, Mr. Chairman.

Mr. GRAHAM. Yes; I think so.

Mr. GEORGE. Mr. Linnen, will you please give your definition of a full blood? You speak of the number of full bloods.

A. Yes. A full blood is a member of the Indian tribe who has no white blood nor negro blood in his veins.

Q. Pure Indian, without a drop of other blood?—A. Yes, sir. Those were the only people whom we established as full bloods.

Q. And with some foreign and some Indian blood, then, they would be mixed bloods?—A. Yes, sir. If there was any degree of white blood or mixed blood in his veins I would call him a mixed blood. That is the distinction that would follow.

Mr. GRAHAM. Anything further for Mr. Linnen at this time?

Mr. POWELL. May I ask him a question?

Mr. GRAHAM. Yes, indeed.

Mr. POWELL. Was Charles Moulton one of your interpreters?

A. He was.

Q. Did you find him trustworthy?—A. We found him very competent, and, with possibly one or two exceptions, satisfactory.

Q. Reliable in his interpretation of the language?—A. We believed so. We had other interpreters always present to correct if there was any misinterpretation.

Q. You mention having employed certain witnesses, old men of the tribe. How many witnesses did you have employed there during that investigation?—A. Oh, I presume, at different periods, probably as many as 15 or 18 different ones.

Q. You had certain old men of the tribe, old men of the tribe, right along with you, did you not?—A. I believe there were a few of the old members of the tribe that we had with us all the time.

Q. Among those did you have the chief of the Otter Tails, Kay-dah-gay-gwon-ay-ansh? I thought possibly, Mr. Linnen, by mentioning or describing this person as chief of the Otter Tails, you might remember him. Do you recall whether you had the head chief of the Otter Tails in your employ at that time?—A. I believe we did; yes, sir. I might say, Mr. Chairman, that our report states quite specifically just what steps we took and just what we did, and we did explain very largely a great many of these questions that are being asked.

Mr. POWELL. It didn't occur to me that the report would cover it, so I will not pursue this any further. There is one question I would like to ask just now, Mr. Chairman, if I may.

Mr. GRAHAM. All right, go ahead.

Mr. POWELL. In interrogating the witness in regard to the status of any particular Indian or Indian family, how far back in the ancestry of that family did your investigation extend?

A. It went back to their grandparents and I believe sometimes as far back as 80, 100, and even 120 years.

Q. Back into their history? That would extend back to the great-grandparents?—A. In some instances.

Q. In how many instances did your investigation go back to the great-grandparents?—A. I could not say as to that. The affidavits themselves would be the best evidence.

Q. That is just the point I want to make. Does your report give it?—A. It does.

Q. All right, then, we can go into that matter when we have the report. That is all.

Mr. GRAHAM. Anything further?

Mr. BURCH. Now, respecting the question which the committee did not understand and which Mr. Beaulieu sought to ask, perhaps we could agree upon that so that the committee might understand it.

I am willing that Mr. Beaulieu should explain it, or I will attempt to do so, if he desires.

Mr. GRAHAM. Do you mean the question that I asked in reference to the change after the sale?

Mr. BEAULIEU. My understanding was that it had been charged that after some of the allottees owned their land, the allotments were changed.

Mr. BURCH. Precisely. In other words, if you will allow me to add, the charge has been made and here—that matter was in the way before the committee had its first series of hearings in Washington—that after an allotment had been assigned to an allottee, that is, after an allotment had been made, there was evidence tending to show that allottee, having sold his allotment to some other person, the other person had presented at the agency that allotment and had it switched to a different description of land, so that the purchaser by mesne conveyance got a different description of land from that the allottee was allotted and was sold to him, thus working what we claim to be a manifest fraud upon the allottee, if a better description could be procured by the purchaser than by the allottee. And I understand that is what Mr. Beaulieu means.

Mr. GRAHAM. It was rather upon the rest of the tribe. If an allottee named John Smith got an allotment which had little pine on it and was poor land, and he sold it to me, then afterwards the records, showing that that was his allotment, were fraudulently changed and it was made to appear that his allotment had been one covered with very valuable pine timber, it seems to me the fraud would affect all those who had an interest or who would have an interest in that valuable timber, rather than on John Smith.

Mr. BURCH. Well, whether timber or other valuable lands, it would be the same.

Mr. GRAHAM. Yes; and whether the fraud, if that were done, would affect the entire tribe—the entire reservation, would it?

Mr. BURCH. Certainly; yes; all persons interested.

Mr. GRAHAM. At least, any who might have got that good allotment.

Mr. BURCH. Yes; not only that, perhaps, but if any lands that were left in common tribal ownership, it would affect them.

Mr. GRAHAM. If it was purely tribal property, it would affect the whole Indian population there, John Smith included?

Mr. BURCH. That is our position exactly, and we hope to offer proof on that subject and did offer some.

Mr. GRAHAM. I recall that now and understand the point.

Mr. POWELL. Before we pass that, Mr. Chairman, and for my own information so I can keep the run of matters later on, I would like to inquire by using the name the chairman did, if an allotment was made to John Smith, if he is given an allotment and description of property; now if he conveys that, he conveys by description and not by number. Now, if he conveys by description, I don't exactly understand how any switching of descriptions would change the matter. I don't exactly see how that could be done after the sale.

Mr. BURCH. By simply securing or issuing a new allotment certificate, writing over the stub of the old one, which we hope to show.

Mr. POWELL. That would leave, then, John Smith had given a conveyance to John Brown of a certain description, and switching of the

description would leave John Smith holding an allotment which he hadn't sold at all?

Mr. BURCH. But the conveyance we expect to show was in blank as to the description. The man signed the deed in blank and the new description, when the new allotment was allowed to be put in and not the old one, and the stub of the original description written over.

Mr. POWELL. That explains it. I didn't see how, if the conveyance had been by description, that could be done.

Mr. BURCH. When the deed was made in blank, the allottee being ignorant. That is the idea. That is what we charge and we have proven, we think, some of it, and we expect to prove more of it.

Mr. POWELL. All right.

Mr. BURCH. Mr. Linnen, you may stand aside.

RAY G. MARSHALL, sworn by the chairman, testified.

Examined by Mr. GRAHAM:

Q. Give your full name.—A. Ray G. Marshall.

Q. Where do you reside, Mr. Marshall?—A. Minneapolis.

Q. How long have you lived in Minneapolis?—A. About 18 years.

Q. What is your present occupation?—A. Reporter for the Minneapolis Journal.

Q. How long have you been with the Journal?—A. About nine years.

Q. How long have you been in the newspaper business?—A. About nine years.

Q. What other business have you been in?—A. I have been in the building business prior to that, some.

Q. You regard yourself, then, as a newspaper man?—A. Yes.

Examined by Mr. O'BRIEN:

Q. Where were you in 1906?—A. In Minneapolis, connected with the Minneapolis Journal.

Q. Do you recollect receiving any orders during the month of June or July, 1906, to proceed to Detroit, Minn.?—A. Yes, sir.

Q. With reference to what?—A. With reference to Indian matters up there. Do you want me to tell exactly?

Q. How did you happen to go up there?—A. Our city editor told me that reports were coming in that the Indians were being plied with liquor and being persuaded to part with their lands or mortgage their lands; and he said that he wanted me to go up there for a couple of days and get a good idea of the situation and come back. The idea, as it got down here, was somewhat surprising, because the report was that the Indians were drunk in Detroit, and at that time it was not generally known that the Indians, after they had attained the right to their lands in fee simple, would have the right to buy liquor and people thought that the breeds had the same rights, were under the same restrictions, as the full bloods.

Q. Did you proceed to Detroit and investigate the situation?—A. Yes; I went to Detroit.

Q. Did you report the result of your investigations to the paper?—A. I did.

Q. Was that report published?—A. That report was published; yes.

Q. I will now show you, Mr. Marshall, a bound volume and ask you to identify it if you can—the volume itself.—A. It is a bound volume of the Minneapolis Journal of July, 1906.

Q. Where did you get it?—A. I got it at the editorial rooms at the Journal.

Q. From the regular files?—A. From the regular files; yes, sir.

Q. I will now call your attention to the issue of July 17, 1906, the first page, a story with headline running clear across the front page, "White Earth Indians are being fleeced," and ask you if you can identify that story?—A. Yes; I remember of writing that story on that day.

Mr. O'BRIEN. Is that sufficient identification?

Mr. GRAHAM. What is the purpose?

Mr. O'BRIEN. To introduce it.

Mr. GRAHAM. That identifies it. You have not introduced it yet.

Mr. O'BRIEN. The purpose of identifying it is this, that we have here the man who made the investigation and reported the results of his investigation, and he has testified that these are the results. Now, we offer this story in evidence.

Mr. GRAHAM. Well, the thing is a little vague. Is he vouching for the truth of it?

Mr. O'BRIEN. He may be cross-examined as to the truth of it.

Mr. GRAHAM. How long an article is it?

Mr. O'BRIEN. It takes two columns of the front page and nearly two columns of the second page.

Mr. GRAHAM. Can he not refresh his recollection by reading it, and then answer your questions, and get it into much less space?

Mr. O'BRIEN. Well, I think, Mr. Chairman, that the shortest way of handling the matter is to simply have him identify it, testify to its truth, read it into the record, and let him be examined by anyone interested. I mean to have this witness show by his testimony that this is a true and correct description of the conditions which followed the passage of the so-called Clapp Act in 1906 on the White Earth Reservation and in the towns surrounding the reservation.

Mr. GRAHAM. If you make that proof, it may go in.

Q. Have you read that story very recently?—A. Yes; I read it over Saturday.

Q. Is it a true story of the conditions you found?—A. It is a true story of conditions as I found them, based on interviews with people in Detroit and things which I saw myself.

Mr. O'BRIEN. Mr. Chairman, I will ask that the story be read now to the committee by Mr. Marshall, and that we be permitted to present the reporter with a copy for the record.

Examined by Mr. GRAHAM:

Q. Mr. Marshall, to what extent did you interview persons there on that occasion?—A. I talked with several of the business men. I went out to some of the outlying Indian camps and talked with several Indians, and watched them, and watched their actions in town.

Q. How long were you up there, learning the matter which you report in the story?—A. I was there from Saturday night at 12 until Monday night at 12.

Q. Was that in this single community?—A. That was in the single community. I didn't know until I had gotten up there anything about the Mahnomen portion of the reservation at all.

Q. This refers solely to White Earth?—A. This refers solely to Detroit—conditions that were exhibited in Detroit—with the exception of a part of it which I got from Mr. Michelet over the telephone after I got back.

Q. Were the persons whom you interviewed white people or Indians or mixed bloods?—A. All. They were white, mixed, and full bloods, I should judge.

Q. How many persons would you say you interviewed?—A. Probably 25 or 30 that I talked to personally, and I tried to talk with others, but could not because I could not understand them nor they understand me.

Q. Did you know any of those whom you talked to?—A. No; I didn't know any of them.

Q. How did you know that you found representative persons or persons who knew the conditions?—A. Well, I would not say that I did know that they knew conditions, I took them at their word; they were business men, working men, and the Indians themselves.

Q. Did you find all the statements tending in one direction, or did you find others which contradicted them or tended to contradict them?—A. All tending in one direction, or the answers would be that they did not know anything about it.

Q. Did you honestly try to find out more than one side?—A. I tried to find out all sides.

Q. Is it your best judgment that your article fairly reflects the actual conditions then existing there?—A. Yes.

The witness then read as follows:

An article published in the Minneapolis Journal, at Minneapolis, Minn., July 17, 1906:

WHITE EARTH INDIANS BEING FLEECED—MIXED BLOODS MORTGAGE LAND—SALOONS GET MONEY.

LAND SPECULATORS RESPONSIBLE FOR DISGRACEFUL ORGIES AT DETROIT AND OTHER TOWNS BORDERING ON RESERVATION—ALREADY MORE THAN 250 ALLOTMENTS HAVE BEEN MORTGAGED FOR A SONG—THE INDIAN AGENT POWERLESS—"WORKING" THE RED MAN.

Since the mixed-blood Indians from White Earth Reservation took their allotments in fee simple on June 21 a disgraceful carnival of land grabbing on the one side and drunkenness on the other has been in progress in the towns bordering on the reservation. Advised to hold their 80-acre allotments, which are worth $25 an acre on the average, the Indians have still been persuaded by calculating speculators to "mortgage" their holdings. Immediate funds for liquor, which has been freely supplied, have been too much a temptation to the unsophisticated sons of nature, and they have encumbered their allotments by the score. Reports that certain conscienceless speculators were debauching the Indians at Detroit came to the Journal, which immediately dispatched a staff man to that place to make a thorough investigation. He found conditions worse than reported, and the result of his inquiry will be found below. In addition to the allotments of 80 acres each which the Indians are now drinking up, they are to receive another allotment of the same size when the Steenerson bill goes into effect. If the Indians are allowed to encumber and lose their second allotments, they will have nothing left, and having sacrificed their reservation rights to take their lands in severalty, will have no where to look for relief. The prospect is pitiable unless the Government awakens to the seriousness of the situation and takes steps to insure that Indian allotments are used as the lawmakers originally intended.

[From a staff correspondent.]

DETROIT, MINN., *July 16, 1906.*

With the minds of the White Earth Indians muddled by liquor, and their eyes dazzled by money, of which they know little, the White Earth mixed-bloods are in a fair way to lose all the Government allotments recently given to them. The land is fast passing into the hands of scheming land-grabbers, and if the present campaign of the sharks is maintained the White Earth Indian Reservation will soon be a thing of the past.

The Indians are now made citizens and landowners, can obtain whisky as easily as they can obtain water, and once filled with liquor they become the easy victims of speculating schemers, who get the land for a song.

Detroit, in Becker County, and Mahnomen, in Norman County, are the principal scenes of action, and here the bitter competitive war to get every inch of Indian land possible is being waged in the face of any public sentiment that might be aroused.

"Skin the Indians" is the slogan at these points; and the red man, knowing he can no longer live the wild life, is seeking civilization through the medium of large quantities of "fire water" and quantities of pretty but worthless things.

A serious problem for both Norman and Becker Counties and the Government is fast developing, and in the end can only be solved by a large expenditure of money.

BARS DOWN ON JUNE 21.

On June 21 the law making the mixed Indians citizens and allowing them to sell their allotments of land went into effect. For the first time in their lives they could do exactly as they chose. The land speculators knew that they were not dealing with the Government and were on the ground ready to open the campaign. No one apparently wanted to buy Indian lands, but everyone was willing to loan a little money on them at a fair rate of interest. The Indians took the bait, as expected. They had been advised not to sell their holdings, but a mortgage—that was different.

The mortgage is the thing that is proving the downfall of the newly made citizens. It best suits the Indians in their own minds, for they think they can keep on owning the land and owing the money indefinitely. Of course, the mortgage system is best suited to the land-grabbers, for should public indignation be aroused they would have the defense that they had given the mortgagees a chance to redeem their lands and that there had been no actual swindle.

On the day the law went into effect the mortgages began to show up. The Indians wanted the money quickly and they found no trouble in getting it. Thinking they were full-fledged business men because they were no longer under the eye of a guardian, they willingly listened to friendly offers of money. The land speculators were wise enough to allow the Indians to visit the saloons first and talk business. Allotment Indians are citizens, and as such liquor is sold to them freely. If the Indian had no ready money he could obtain the liquor just the same, and for several days following a sober half-breed was hard to find. In the mean time the business was progressing rapidly. Mortgages galore were filed with Register of Deeds Converse at Detroit.

On June 21 to the present time an average of 11 mortgages have been filed daily with the register of deeds, and undoubtedly many others have been signed which are in the hands of attorneys or the men who loaned the money. Approximately 250 farms have been encumbered by the Indians in this way.

LITTLE CHANCE FOR REDEMPTION.

Most of the mortgages are for a short time, and every farm will ultimately go into the hands of the mortgagees, for the Indians know little or nothing of farming; the land is yet uncultivated and yields nothing. Fertile as it is, it can not possibly yield enough under the crude aboriginal methods to pay off the loans before the mortgages are foreclosed.

This number applies to Becker County alone, and Register of Deeds Converse says that twice that number of allotments have been mortgaged in Norman County, where two-thirds of the White Earth Reservation is situated. At Mahnomen the contest is more open, for the town is small and there is not much danger of arousing public feeling against the schemers. The town is on the west side of the reservation and is more easily reached by the Indians. As soon as they have disposed of their holdings, however, the red men come to Detroit to spend their money, for there are more and bigger stores and more places to get rid of the money.

WHERE THE MONEY GOES.

No sooner have the speculators given the Indians a few hundred dollars on their holdings than men in other lines of business start out to get every cent from the red men. They know that the money burns in the Indian's pocket, and everyone has something to offer at two or three prices.

Horse dealers sell old broken down teams for the price of thoroughbreds, and an old dilapidated carriage will sell for more than it cost when new. This state of affairs has created a small boom at Detroit, and the merchants and others whose tills are easily filled are now active in starting a movement to save the lands and to keep the Indians from eventually becoming paupers and county charges.

Every man in Detroit knows exactly what is going on, for the conditions do their own advertising; yet they wink the other eye, and what promises to be one of the easiest land grabs on record is not even talked about at the hotels, in the stores, or on the streets. As a matter of fact, the subject is avoided.

The visitor to the town, however, can see at a glance the results of the land act. The streets are thronged with drunken half-breeds day and night, and only a rainy day prevents a free-for-all spree in the little park owned by the Northern Pacific Railroad. On pleasant days it is usually the scene of disgraceful drunken orgies by mixed-blood Chippewas.

In walking down the main street one will always meet a dozen or more drunken Indians staggering along and gazing into the store windows at the trinkets that have been placed there to catch their eyes and money. They gather in little groups on the corners watching the better-dressed pedestrians, and try their best to emulate them in manners. The things that appeal to them most are the ways the white man has of spending money and enjoying life. They think that money is all that is required.

About the first expenditure the Indian makes is for a rig, in which he may speed recklessly up and down the street. Some of them have good ponies and comfortable carriages, but the majority have been inveigled into buying broken-down "skates" from unscrupulous horse dealers, and they make a sorry showing.

"BOOZE" CAMPS NEAR TOWN.

Just north of the town many Indians' families have taken up their abode for the summer. Their tepees and tents are pitched on the hillsides, where they may live after the manner of their ancestors and yet near the excitement and the saloons. They make a dozen trips to the town a day, driving their teams and usually bringing home a good quantity of liquors. Many of the town Indians have disposed of their allotments and are living in what they deem splendor. Liquor is consumed by the squaws and children, as well as the men, and it is no uncommon sight to see the entire family seated about a small campfire, their minds so muddled that they care for nothing but rest, and the smoke pouring into their faces.

At night the little main street is an Indian broadway. Squaws come into the town with the men and boys and gather in the little park, where they drink quietly but steadily. Some of them will be scattered senseless on the grass while the others, between drinks, will stroll along the street searching for new sights.

Where all the liquor comes from is somewhat of a mystery. All of it is not purchased over the bar in the saloons, even though the Indians are admitted to the places as readily as the white men.

The saloon men have construed the land act to mean that, as the half-breed has been made a citizen, liquor can be sold to him without danger. The full-bloods, however, do not come under this act, yet they seem to have no difficulty in getting all the liquor they need. This is undoubtedly furnished to the full-bloods by the mixed bloods, and as far as enjoying life is concerned, blood makes no difference.

In this park the mixed bloods meet men with money to talk of land deals. The Indians may have no money when he first comes to town, but in some way he drinks with the others and manages to get just as drunk as his brother, who has already encumbered the land. The next day will probably see him at the courthouse, and the following evening he is buying liquor and shining junk like a prince.

In the land deals themselves there is nothing peculiar, nor is there any infraction of the law whereby the men who are obtaining a hold on the valuable Indian lands can be called to account. Whatever moral law may be violated, the speculators are simply satisfying the red man's desires of the value of money, but they are citizens, and when they make a bargain it is as binding as though made by an attorney. They think nothing of the time when the mortgage must be cleared, and the speculators do

not feel in duty bound to impress them with the seriousness of the case. The mortgagor is not told that he must hustle and raise the money by a certain time. This little part of the deal is not talked about, and the Indian is just as sure of losing his land as he is of buying liquor with the mortgage money.

MORE GRANTS TO BE MADE.

Every Indian on the reservation has another 80-acre tract of land coming to him when the Steenerson Act goes into effect. The intention of this act was to enable the Indians to go into farming thoroughly in case they sold their first allotments for a good price. The act which recently went into effect would under ordinary circumstances be an advantage to the Indian. He could save the money gained by the sale of the first allotment and then invest it in machinery and other farm equipment when he received the grant under the Steenerson Act.

As it appears now, however, the Indians will be entirely penniless when they receive the second allotment and it will go as the first grants are going—to the speculators who will know how to handle it.

At present there is no one to help them, but themselves. The Government no longer stands behind them and the white man, instead of encouraging the Chippewa to keep his money and becoming a respected citizen, places temptations in his way which will cause the money to flow from his pockets.

SELL IT TO LO.

"If you have anything you don't want, sell it to an Indian." This is a common saying in Detroit, and within the last few days there have been several instances of the application of the rule.

One of the most respected men in Detroit, a minister, decided to sell his horse and carriage. He announced it for sale and everyone told him to sell it to an Indian, as he could get three times as much as he would by selling it to a dealer. The minister's conscience, however, balked at the proposal, and he refused to have any hand in such deals. Instead he sold the horse and buggy, for exactly what he paid for it, not to an Indian but to a regular dealer. The dealer in turn sold the outfit to an Indian and the townspeople are guessing the amount of profit in the second sale. One team of broken-down ponies was sold to an Indian for $300, when they could not have brought $50 in any market in the country.

Another instance of the Indian's usefulness occurred last Saturday when an old blind warrior who stalks about on one leg asked a man on the street for a $5 bill in exchange for silver money. The Indian paid over the silver money and received a Confederate bill. Not knowing the difference he paid the bill to a traveling man for some articles he wanted and the salesman failed to notice the deception until later. He then started the search, found the blind cripple, and received good money in exchange for his goods. The bill was finally traced to the original owner and the matter was squared up without trouble.

Thousands of dollars have been spent by the Indians for articles they can never use, and so far there has been no move to stop the great working system. Some of the business men of Detroit have expressed their disapproval but the law gives them no right to interfere and unless something is done speedily the White Earth mixed bloods will soon become paupers and the men who have obtained their lands and money will have to support them.

A business system which some of the stores and liquor dealers have adopted in carrying on their trade has proved especially disastrous to the red men. The stores in purchasing goods from farmers pay in negotiable trade checks instead of cash. This "tin money" is good for its face value, but only at the store that issues it. The money may pass from one person to another, but it is always good at the store.

Many of the Indians have been persuaded to mortgage their farms for this tin money, which can be redeemed only in goods. The Indians at first thought the tin money would be accepted at its face value at the banks, but they found to their sorrow that they could only get goods from the stores or liquor houses. The liquor money satisfied them completely, but as soon as they saw their money could go but in one direction they began spending it carelessly, buying everything that pleased their fancy. As a result their tepees and tents are filled with trash they care nothing for and now that the novelty has worn off the trash can not be exchanged even for whisky.

Credit belongs to a few of the Indians for hard work and honesty. They have refused all offers for their lands and have improved it. Their credit is good and they are making money.

Others, however, finding themselves encouraged in their shiftlessness, spent what little money they obtain in riding about on passenger trains and living in idleness, becoming more unfit each day for actual work. They are rapidly getting to the stage where they will again have to be wards of the Government or become paupers on the hands of the county.

FEW OUTRIGHT SALES.

The average price paid the Indian for his land when he sells outright is a little more than $3 an acre. So far only 18 of the allotments have been sold. The others have been mortgaged. The amount the speculators will loan on an 80-acre tract is often less than $3, and a few of the Indians have been able to stick to their original price when dealing with the speculators. Experts who have looked the land over declare that most of it is worth $25 an acre and some of it even more. One man purchased an 80-acre tract last Saturday for $300, and an offer of $25 an acre was refused Monday.

This is a fair estimate of what is really being done to the Indians as the result of the new law.

The land question also gives rise to many peculiar phases. There is an allotment for each child and when the child dies the land first goes to the father and if the father dies, the mother gets it. Many of the allotments are now being probated and the fact that some of the Indians are not legally married is causing some trouble.

In selling or mortgaging the land it is necessary that the wife gives her consent and in case the mortgages now being made are foreclosed, a contest wonld be instituted in the courts. The speculators have seen pretty well to this, however, for the Indians have spent their money and could not raise enough to carry their cases into court.

As a result of this legal point, however, many of the Indians are becoming married legally, although they have been recognized as man and wife for years. In some cases the speculators persuade them to do it and in others they do it simply because they want to become civilized.

There is yet much land that has not been encumbered, and which can be saved only by the intervention of the Federal Government. It has not been registered yet according to the State laws, and this will be done this fall. The office of the register of deeds is the busy place in Detroit, and this fall Mr. Converse is to have three opposing candidates. It is a fee office, and the big reaping to come when the allotments will be listed has caused an unusually stiff campaign to be started by those who are seeking to succeed the present register.

INDIAN AGENT POWERLESS.

Simon Michlet, Indian agent at White Earth, is fully aware of the manner in which the mixed bloods are encumbering their lands and has advised them again and again of the folly of their course. When an Indian has any money in sight, however, it is impossible to advise him, and so the making of mortgages and the drunken orgies have continued. The agent is genuinely helpless in the matter, inasmuch as a mixed blood, according to a recent act of Congress, can hold its allotment in fee simple. By so doing he becomes endowed with all the rights of citizenship, which he chooses to enjoy. This means that he ceases to be a reservation protégé, and that the agent has no authority to direct his actions. He can sell or encumber his land if he desires and, under the decision of the Federal court rendered about 16 months ago, can purchase "fire water" just as a white man. The Government has tried to restrict liquor selling to allotment Indians by indicating that the Federal court decision was not absolutely explicit on this point and that dealers supplied liquor at their peril, but the very fact that there was now any uncertainty at all about the old-time rigid restriction has been enough to let down the bars.

Of about 5,000 Chippewas on the White Earth Reservation fully two-thirds are mixed bloods and eligible for allotments.

While there is no open protest made at Detroit against present conditions, there is strong feeling there against the way the Indians are being treated by the land speculators, and steps have already been taken to lay the case before the authorities at Washington.

Mr. GRAHAM. In the newspaper world what does a "staff man" mean?

The WITNESS. It means a man from the regular reportorial staff, sent out over the country or any place where the news is to be gotten. He is a member of the regular city or local staff rather than a country correspondent.

Mr. GRAHAM. What I want to get at is his relative standing with the paper. Is he an ordinary reporter, or more or less than that?

The WITNESS. Usually an ordinary reporter.

Mr. GEORGE. But more than a correspondent in the neighborhood?

The WITNESS. He is usually considered more capable of handling the situation than a country correspondent.

Mr. BURCH. The committee may be puzzled by the Norman County incident. Mahnomen County was organized out of Norman County after this was written up.

Mr. O'BRIEN. The committee may be troubled somewhat in understanding the reference made in this article to the allotments under the Steenerson Act. There is a reference in the story to the fact that the Steenerson Act provided for giving the Indians 80 more acres after the original allotments had been made a year before that. The reason for that is this: While the allotments had been made, the Indian agent, Michelet, still held the schedules and hadn't sent them on to Washington for approval, so that the 80 acres under the Steenerson Act had not gotten into the actual possession of the Indians. The lands that were being encumbered were the lands under the original allotments.

Mr. C. D. O'BRIEN. I have been retained by certain citizens of Mahnomen and purchasers of agricultural lands with reference to the matter which is under investigation. Mr. Birkett, who is under subpœna, is here to report, and he is among these men. Now, I want, if I may, to simplify and solidify the testimony upon that point, which will be all I have to put in. I want to arrange it in form. If it will suit the convenience of the committee—because I know nothing about this practice, but possibly I may wish to commence with it, say, to-morrow afternoon at 2 o'clock—I will come in here and open on that one point all the transactions covered by the purchase and sale of the agricultural lands. I will have my witnesses all here together and put them on rapidly, one after another, and give what I believe to be intelligent evidence from their standpoint, and then close the matter as to the other premise; and that, with the statement which I make to you gentlemen of what I expect to show by them. will be my case.

Mr. GRAHAM. How long a time in advance would you want notice as to when we could hear you?

Mr. C. D. O'BRIEN. Only enough to get my witnesses here. I can have them here to-morrow and commence to-morrow afternoon at 2 o'clock and proceed with the same rapidity and precision as if in a lawsuit. I would take 15 to 20 minutes making an opening statement, which would put the committee in possession of what I am going to do.

Mr. GRAHAM. We will arrange so that you will have the time.

Mr. C. D. O'BRIEN. I don't know what direction this comes from, and I don't want to interfere, but three of these men are here now, and perhaps the Government representatives might consent to get rid of them, because, to tell the truth, I don't like to sit around when I am not employed and I don't want to work less rapidly.

Mr. GRAHAM. There is no practice in such work as we are doing now, and, so far as we have gone, we have been guided by two things: First, that a person might come here and present the evidence in such a way that it would be easiest hereafter to digest it and under-

stand it. But we have not been able to follow that throughout for the lack of witnesses, and we have had to vary it from time to time to keep busy.

Mr. C. D. O'BRIEN. It was for that reason I have asked about it. I would like to present sworn testimony as to the proper subject matter and go into the history of the purchases of these agricultural lands and the present holding, and the way it was bought, and the prices paid for it.

Mr. GRAHAM. Speaking generally, and without deciding that question, I would say that we think the committee's purpose will be better served by pursuing the present line further, and you will have a day's notice, and we will hear your witnesses continuously, so as to make the time as agreeable to you and to them as we can.

Mr. C. D. O'BRIEN. I will ask the committee also to give me 20 minutes for the opening statement.

Mr. GRAHAM. And then some.

Mr. C. D. O'BRIEN. I got the habit and can not proceed in court without it.

Mr. GRAHAM. It is always enlightening to have a lawyer state in advance what he expects his testimony to be.

Mr. C. D. O'BRIEN. Mr. Birket, who is one of the men under subpœna to this committee, is one of my witnesses. May he return and come back?

Mr. GRAHAM. If he is under subpœna the chances are that he will be called by those who asked to have him subpœnaed when they get ready. In that event you will probably want to be here when he testifies.

Mr. C. D. O'BRIEN. That is what I wanted to try to avoid. You can understand at once how that interferes with a party's testimony—to have his witnesses singled out——

Mr. GRAHAM. Well, we are not so particular about how it interferes with your plans as with ours. If he is subpœnaed as a witness and called, we will not wait. We will call him in due order, but you will know about it. Gentlemen, can any of you tell Mr. Birket about when he will be called.

Mr. BURCH. Mr. Chairman, I have just told Mr. Birket—he seemed to want to get away—that we will doubtless call him at least by to-morrow morning.

Mr. GRAHAM. Very well; I assume Mr. O'Brien will be present to-morrow without inconvenience.

Mr. BURCH. At least to-morrow, if not at this afternoon's session, we will call him so as to accommodate him.

Mr. GRAHAM. We will make it to-morrow morning, then, because it is now 4 o'clock, and probably——

Mr. BURCH. Then to-morrow morning, Mr. Birket.

Examination of Witness Marshall continued.

By Mr. E. C. O'BRIEN:

Q. You have already identified this file, haven't you?—A. Yes, sir; it is the file of the Minneapolis Journal.

Q. I call your attention to the issue dated July 18, 1906, Washington, having a headline reading, "By W. W. Jermane." Who is W. W. Jermane?—A. The Washington correspondent of the Journal.

Q. He sends regular telegraphic correspondence to the Journal, the Washington news?—A. Yes.

Q. Is it news of general interest to the people in this section of the country?—A. Yes.

Mr. GRAHAM. You assume Mr. Marshall is an expert on news?

Mr. O'BRIEN. He is already qualified as an expert by his long years in the newspaper business, and of course I want simply to show by him that this is an ordinary dispatch, coming in the regular way from the regular Washington correspondent of the Journal.

Mr. GEORGE. What was the date of that article from Detroit?

WITNESS. Seventeenth of July, I think.

Mr. GEORGE. And the date of this other article?

WITNESS. The 18th of the same month, I think.

Q. Mr. Jermane has been representing the Journal in Washington for some time?—A. I don't know how long; he was there before I was.

Q. In 1906 he was there, do you know?—A. Yes.

Q. This purports to be a dispatch from Mr. Jermane?—A. Yes, sir.

Mr. O'BRIEN. Is that sufficient identification, Mr. Chairman?

Mr. GRAHAM. Why should a dispatch from Mr. Jermane to his paper go into the record here?

Mr. O'BRIEN. For this reason: That Mr. Jermane is the regular correspondent of the Journal in Washington, and, as always is done in newspaper circles, when a story originates in some part of the country and has a Washington connection the correspondent in Washington inetrviews the proper public official in Washington and ascertains his view of the matter in question, and as to any action that has been taken or which will be taken in connection with the matter in question, and it appears from the article here that Mr. Jermane interviewed the Acting Secretary of the Interior at that time and questioned him.

Mr. GEORGE. As to the conditions described in Mr. Marshall's story?

Mr. O'BRIEN. Yes; and as to why the conditions existed, and for that reason we think it is competent for this purpose.

Mr. GRAHAM. Well, did Mr. Jermane at that time have Mr. Marshall's article before him?

Mr. O'BRIEN. I will ask you, Mr. Marshall, what the custom is in a case of that kind.

Mr. GRAHAM. What was the fact, rather than the custom.

Mr. O'BRIEN. If you can get at the actual fact, do you know, as a matter of fact, that he did have the story?

WITNESS. Mr. Jermane had a synopsis of my story. It was wired to him while it was being written, and this was wired in answer. I saw the original.

Mr. GRAHAM. Then with the synopsis before him, Mr. Jermane interviewed the Acting Secretary or the Assistant Secretary of the Interior?

The WITNESS. Yes, sir.

Mr. GRAHAM. And now you ask that his report of that interview be put into the record?

Mr. O'BRIEN. Yes.

Mr. BURCH. If there is a doubt in the minds of the committee about the propriety of it, we can defer this particular matter until the meet-

ing of the full committee or the subcommittee, as the case may be, in Washington, and put Mr. Jermane on the stand.

Mr. GRAHAM. I confess there is a doubt in the chairman's mind as to the propriety of it.

Mr. BURCH. Then we will wait, because I do not wish the committee to stretch their views of it one bit to put it in evidence here.

Mr. GRAHAM. We propose to be quite liberal in that regard; but I will say that I think we should draw the line somewhere.

Mr. BURCH. We will do it then—with my associate's consent.

Mr. O'BRIEN. I will ask you, Mr. Marshall, whether Mr. Jermane, in Washington, keeps a file of the Journal?

The WITNESS. The Journal is kept on file in his office.

Mr. O'BRIEN. He can turn to this same article, in Washington, when the committee arrives there, and identify it?

The WITNESS. I think so.

Mr. GRAHAM. Or we can get it from the Congressional Library, if he hasn't it.

Mr. BURCH. Well, we will let it go until that time, Mr. Chairman.

Examined by Mr. BEAULIEU:

Q. How long did you say, Mr. Marshall, that you were at Detroit?—A. From Saturday night until Monday night—Saturday night at 12 until about 12 on Monday night.

Q. Were you ever at Detroit before?—A. Never.

Q. Ever been there since?—A. No, sir.

Q. How many Indians did you see at Detroit?—A. I should judge that on that Sunday there were from 100 to 200 Indians in Detroit, or right outside of the town, in these little camps.

Q. Do you know whether or not that was an unusual condition at Detroit—to see that many Indians?—A. I don't know whether it was unusual, or not. I was told that it was.

Q. You were told. And you don't know anything more about the Indians and the conditions existing there than what you saw during the two days you were there?—A. That is all.

Mr. BEAULIEU. That is all.

EDWARD B. LINNEN, recalled.

Examined by Mr. BURCH:

Q. Mr. Linnen, have you heard the testimony of Ray G. Marshall, who was just sworn?—A. I did.

Q. Did you make any investigations, or take any affidavits, along this same line, or similar lines, anywhere, relating to substantially the same period?—A. I did; yes, sir.

Q. Did you make a report upon it?—A. I did.

Q. What portion of your report is it—how is it marked? That is, how would it be identified in your report? What series, what letter or caption did that particular subject have?—A. Well, the introductory remarks, the general report, at first would deal with the situation. Then, under the caption "The whisky problem" we would deal with that. Also, under the head "Section B," "Farming lands"—and I judge probably each section would in some manner touch that feature of it.

Q. Did you take any affidavits of persons relative to these occurrences?—A. I took a great many affidavits—some hundreds of affidavits—from various Indians who had been swindled out of their lands in various ways, by the use of liquors and other methods, and those affidavits are on file with my report.

Q. Here?—A. I believe copies of them are now here.

Q. Mr. Linnen, do they relate to substantially this same period; not those exact days, but substantially this same period, after the passage of the so-called Clapp amendment?—A. They do. I would like to add further that, other than the affidavits of the individual Indians themselves who were swindled out of their allotments by the various means as recited in those affidavits, I took also the affidavits of several interpreters who had acted for the purchasers of the lands, and they recited the means and methods that had been used in obtaining those lands.

Q. Are these interpreters living?—A. Yes; I believe most of them are.

Q. And in that vicinity?—A. I believe the majority of them are.

Q. So that if these affidavits should be questioned, or the committee should desire, we could obtain the actual testimony of the persons?—A. I believe so, sir.

Q. Well, then, for whatever probative force they may have, if the committee are willing, I should be very glad to have you read to the committee first your general report on farming lands; and, as the facts relating to it are brought out, the whole of the report, if you wish——

Mr. GRAHAM. That report was sent to and is on file with the department?

Mr. LINNEN. Yes.

Mr. GRAHAM. It is competent.

Witness then read as follows from report of Inspector E. B. Linnen, dated White Earth Agency, September 30, 1909:

WHITE EARTH AGENCY, MINN., *September 30, 1909.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: In conformity with your instructions of July 31, 1909, I have the honor to report that in conjunction with Mr. Warren K. Moorehead, special United States Indian agent, I made an investigation of conditions on the White Earth Reservation in Minnesota, and have the honor to submit herewith joint report covering the situation.

Under an act of Congress dated June 21, 1906, known as the "Clapp amendment" authority was given to issue patents in fee simple to adult mixed bloods who had been allotted lands on said reservation. No reliable list of full bloods had been established on said reservation, so that when it became possible for adult mixed bloods to dispose of their lands, the full bloods sold theirs as well; not only their lands but the pine timber, and a concerted effort seems to have been made by the land buyers to establish every full-blood Indian who had valuable land or timber as an adult mixed blood, which was done by false, fraudulent, or forged affidavits on which to base applications for fee patents.

Thus it is that fully 90 per cent of the lands allotted to full-blood Indians have been sold or mortgaged, and fully 80 per cent of the entire acreage embraced within the boundary of said White Earth Reservation has passed into the hands of private owners. These land buyers were not content with purchasing the lands of the adult mixed bloods, as they could under the law, but in numerous instances they purchased the lands of minors and of full bloods, with full knowledge of the fraud they were perpetrating.

In order to establish the full bloods on said reservation, which is 36 miles square, it became necessary to visit various points on the reservation and there establish

headquarters where we could bring in all of the full bloods whom we could ascertain resided in that vicinity. To establish who were full bloods, it was necessary to select a number of the oldest, most reliable and trustworthy Indians living on said reservation, belonging to the various bands or tribes, who are leading men of said bands, chiefs, medicine men, etc., who could testify as to the parents and grandparents of the Indians to be established as full bloods. This was a task requiring careful search and inquiry as to the Indians who are believed to be full bloods, and careful investigation and great patience to select from approximately 5,600 Indians some 500 full bloods. We practically performed the work of a commission in establishing this list, which we have done as fully and carefully and as conscientiously as we could do. We believe the old Indian witnesses who have certified at to the parents and grandparents of these full bloods are reliable and that their statements can not be disproven, and we believe that said list of full bloods, submitted, should be approved by the department and stand as such until any individual case can be proven to the contrary.

In establishing this list of full-bloods in almost every case where we had the Indian before us we took his statement with relation to any sales he had made of his allotments. Fully 90 per cent of these full-bloods have sold their lands, and they have been swindled and defrauded by every scheme possible to devise out of the value of their lands and timber, as a reading of the numerous affidavits will convince you. This has been accomplished by false, fraudulent, and forged affidavits to secure fee patents to the lands purchased of the full-bloods and minors. It is safe to say that these Indians, as a whole, did not receive one-tenth of the value of their lands or timber. The land men were aided by numerous educated mixed bloods, who act as interpreters and aid in defrauding these Indians. In scarcely any instance was the Indian paid the amount promised him. In numerous cases they sold their lands when intoxicated, and in many cases the Indian was put under the influence of liquor in order to defraud him out of his land. They were traded old, worthless horses, wagons, buggies, harnesses, and other articles at excessive prices for their lands in lieu of cash. Mortgages were placed on their lands running for periods of 10 years and the interest collected in advance from the moneys advanced to them. The persons who secured these mortgages invariably got title to the lands within a short period.

The principal swindling was accomplished by some 34 people, who reside at Detroit, Park Rapids, Mahnomen, Waubun, Ogema, Twin Valley, Callaway, and other points in Minnesota. Some of these people are bankers, attorneys, and county officials at the points named. These were not content with purchasing the lands of adult mixed bloods, but purchased the lands of fully 90 per cent of the full-bloods and a large number of minors as well, it being shown by the abstract herewith inclosed, taken from the county records of Becker and Mahnomen Counties, that they purchased the lands of 172 minors.

In some cases these men would go to the various nonreservation boarding schools where these minor Indian children allottees were attending the Government schools, and there, by fraud and misrepresentation, secure deeds and mortgages from these minor allottees.

Deeds and mortgages have been secured from numerous of these full-blood Indians by fraud, misrepresentation, and every scheme that these land grafters could devise. In scarcely any instance were the Indians fully advised as to the transaction. Lands were embraced in deeds other than those that they thought they were selling. In scarcely any case were the papers read over and interpreted to these Indians. They did not understand the same and did not know whether they were signing deeds or mortgages, and in numerous instances they signed deeds when they were made to believe they were signing mortgages. In scarcely any instance were they sworn to the papers which they signed or made their mark to. Certain half-breeds were used to sign affidavits to suit the purpose of these land buyers, certifying that these full-bloods are mixed bloods and certifying that these minors were of age. False acknowledgements were taken and affidavits forged in the names of certain persons, even the parents of minors, on which to base applications for fee patents.

All these deeds and mortgages thus obtained by fraud, misrepresentation, and forgery of both lands and timber from these full bloods and minor Indians should be set aside, as the law provides that only mixed bloods can sell their lands. Injunctions should be promptly brought to restrain the lumber companies and others from cutting and removing any further timber from these full-blood and minor allotments, and suits should be promptly brought to set aside all deeds and mortgages on this land and timber. These persons shown to be guilty of conspiracy to defraud the United States, as per evidence transmitted, should be indicted and prosecuted as they so richly deserve. They procured deeds and mortgages of the lands of full bloods and minors with full knowledge of the frauds that they were perpetrating. They procured fee patents to some of these lands, and had attempted to procure patents in fee for all of them, by means of false, fraudulent, and forged affidavits

and applications, the purpose of which was to deceive the honorable Secretary of the Interior and his subordinate officers in the issuing of patents to these lands, and in doing things which they would not do if the true facts were known to them.

A reading of our joint report under the various sections will show that conditions on this reservation are generally very bad. Fully 80 per cent of the lands on said reservation have passed into the hands of private ownership. It is beyond question that the Indians were more industrous and sober, and more given to agricultural pursuits, 15 and 20 years ago than they are at the present. When they could dispose of their lands and obtain a little money for the same, the majority of them ceased to work, and the majority of them squandered what little money they obtained from their lands and dissipated it in drinking and for worthless articles. The full-blood Indian and the minor, when he saw his mixed-blood brother selling his land and obtaining some money, was anxious to do the same, and so it was an easy matte for the land buyers to procure their lands also. But few of the Indians have any means at the present time. They have no lands, no money, and must now either go to work or be paupers on the counties in which they reside, or on the State of Minnesota.

The physical condition of these Indians is very bad. It is being shown by the report of the doctors that fully 60 per cent are suffering with tuberculosis in its various forms; 30 to 35 per cent are afflicted with trachoma and eye disease, which is spreading to an alarming extent and making many totally blind; 15 to 20 per cent are syphilitic. These contagious diseases are spreading to an alarming extent among these Indians, with wholly inadequate provisions to check the ravages of these diseases.

A great mistake was made in not first establishing the full bloods on this reservation before any sales of lands could be made; and then not having the sales of land supervised by some competent official who would have safeguarded the interests of the adult mixed bloods who could sell. The additional allotments, many of which contained valuable pine, were not honestly made by former Indian Agent Simon Michelet, in charge of said reservation, the evidence still remaining on the tract books that the valuable pine allotments had been selected in advance, and the names of the favored half breeds who obtained such allotments written in pencil in said tract books.

The whisky traffic problem on the said White Earth Reservation is an exceedingly bad one, and I doubt if a worse condition exists on any reservation in the United States. Saloons are conducted in the towns of Callaway, Ogema, Wubun, and Mahnomen, on said reservation, and the adjoining towns just off the reservation, such as Detroit, Park Rapids, Fosston, and others sell liquor freely to the Indians. Some of these saloons are conducted by the half breeds and any Indian can go and buy liquor in these saloons at any of these points. They bring liquor on the reservation freely, and the superintendent and his policemen are kept busy in an attempt to check this evil. It is to be hoped that such action will be taken as will close the saloons and stop the sale of liquor in towns within the reservation boundaries.

Joint report is submitted under various headings, one copy of which is also transmitted to the honorable Commissioner of Indian Affairs; affidavits of the old Indian witnesses establishing the full bloods, together with affidavits of interpreters, and the full bloods and minors who sold their lands; index giving the numbers and names of all full bloods, and the names of all minors, and abstracts of the lands which said minors have sold; plats prepared showing the timber lands of full bloods and minors who have sold, on which injunction proceedings should be brought to prevent further cutting and removing of timber, together with affidavits of interpreters who assisted on these; and other matters are herewith submitted. Recommendations are made under each heading of the subject involved.

I have the honor to remain, very respectfully,

E. B. LINNEN,
United States Inspector, Department of the Interior.

Q. Have you finished that now?—A. Yes, sir.

Mr. BURCH. All of this, Mr. Chairman, has been germane as introductory to the questions that I desire to place before the committee in their regular order, under the subheadings "The second grab" and "The saturnalia." They are something alike in their statements, and I desire to have the witness, if he can, keep as close as possible in what follows, to that portion of the matter which relates to the final procurement of the land, which was successful after the Clapp Act went into operation, and the troubles such as Mr. Marshall has testified to which resulted.

Mr. GRAHAM. Do you desire to ask the questions now?

Mr. BURCH. Well, I was saying almost as much to the witness as to the Chair.

Mr. GRAHAM. The Chair entirely approves of your plan of recalling Mr. Linnen. Do not feel a bit uneasy about that. We think it helps the continuity of the work to call him, from time to time, as your story develops.

Mr. GEORGE. Mr. Burch, is it your purpose to bring him on again under the subheading "The switching of allotments"?

Mr. BURCH. He has already testified with respect to the switching of allotments; he has already testified that he knows comparatively little about that; therefore he could not testify about that; but witnesses—who are now absent, I regret to say to the committee—will treat of that more particularly than Mr. Linnen could do; and we have to pass that, in order to keep the committee from remaining idle, which we would very much deplore.

Mr. GEORGE. You have the information from Mr. Linnen, so far as he can give it?

Mr. BURCH. We already have all that he knows on that subject, and now, if you will, proceed with the subject of the second grab—that is, with the procurement of the lands under the Clapp Act, what bears upon it, and the dissipation, or whatever it might be called, or the conditions that resulted from it, under the head of "Saturnalia."

Mr. GRAHAM. Are you taking the report in sections?

WITNESS. Yes, I will. I believe it would be proper to first read section E, "The whisky problem," and follow with the statement as to the "Farming lands," and show just what happened.

Mr. GEORGE. Are you going to reverse the order?

WITNESS. No; I said to follow it.

Mr. GEORGE. What you are about to read is to follow, so that it will appear in our report just as you are reading it?

The witness then read section E of Inspector Linnen's report, under the head of "The whisky problem," as follows:

SECTION E—WHISKY PROBLEM.

Aside from the ever-present whisky problem, which is thought by us to be the worst at White Earth of any reservation in this country, we have ascertained that 67 of the Indians who testified before us have confessed that they were drinking at the time of sale. As Indians are reticent on the subject of drinking, and as the interpreters stated that nearly all of the Indians who sold were under the influence of liquor, we are of opinion that these 67 affidavits represent but a small part of the number intoxicated at the time sales were effected. In some instances the Indians drank of their own accord, but more frequently the interpreters and land buyers persuaded them to drink. One of the heaviest purchasers of land was Fred Sanders, of Detroit, Minn., and Levi Sanders, of Mahnomen, Minn. Against both of these men there are affidavits (Nos. 425–251 and others) that the Indians were given money with which to buy liquor. Clifford Tubbs, of Park Rapids, Minn., a saloon keeper, procured two good allotments through a liberal use of whisky and a little money. (See affidavit No. 456.) Some of the Pembina Indians who owned valuable property at Mahnomen were made drunk and their lands taken away, but probably the worst person in this connection is George Fox, proprietor of the Commercial Hotel, at Detroit, Minn. It is stated that Fox frequently took Indians who were drunk, or made Indians drunk, and brought them to bankers Annundsen or Holmes, or took them to other buyers where deals for their lands or timber were perfected. Frank Smith, at Pine Point, gave certain Indians liquor at his house and took them to Attorney Wright or Clifford Tubbs, of Park Rapids, where said Indians sold their lands. Such interpreters as Morrison, Peter Gravelle, Sam Smith, et al., are mentioned in affidavits as giving the Indians liquor or drinking with them at the time of sale of their lands. Indians who speak

broken English invariably ask for an interpreter when telling us regarding their deals, yet when partially drunk they invariably insisted on doing their own interpreting when selling lands or timber. When under the influence of liquor they were even worse swindled than those of their own people who were sober, if such a condition be possible. In one case one man sold four allotments (320 acres) for $44; in another, 70,000 feet of pine were sold for $10; and a family traded three 80-acre tracts, mostly timber, for a pair of old bronchos, a rickety spring wagon, and a washboiler. For one of these 80-acre tracts $1,600 had been offered the Indian prior to this sale.

When an Indian obtained some money from the sale of his allotment, which he generally sold while under the influence of liquor, he squandered the major portion of such money received for the purchase of liquor, and intoxication of both Indian men and women alike is frequent. It is safe to say that fully one-quarter of all the money received from the sale of these lands has been squandered for liquor, which was easily obtained in all the towns within and adjoining said White Earth Reservation. Saloons are conducted at Callaway, Ogema, Waubun, and Mahnomen, within the boundaries of said reservation, and some of such sallons are conducted by half-breed Chippewa Indians. Liquor is sold to Indians and minors without any regard for the law, and bootlegging on the reservation is very common. On the 3d of July of this year Indian dances were held in front of and in the saloons of Ogema. Both Indian men and women participated in the same, liquor being passed around freely among the Indians in a bucket, and handed out to them in a tin dipper. We have no reliable information that on the afternoon of said day at least 50 Indians were drunk and lying on the streets and sidewalks of Ogema. Prompt and energetic measures should be at once taken to close all saloons within the boundaries of said reservation, and to make a severe penalty for bootlegging and bringing of whisky on the reservation.

With an express treaty provision absolutely prohibiting the sale of liquor on all this territory still in force, we respectfully submit that a Government which professes to maintain anything of the attitude of guardian toward ward on this territory and over these Indians is under obligation to devise and make efficient some means for putting a stop to this reign of debauchery through drunkenness, which is destroying the health of the Indians, and ruining all chances for the improvement, advancement, and civilization of the Chippewa Nation.

Very respectfully,

E. B. LINNEN,
United States Inspector, Department Interior.
WARREN K. MOOREHEAD,
Special United States Indian Agent.

SUGGESTED BASIS FOR EIGHT MONTHS' AGREEMENT CONCERNING THE HOSPITAL OWNED BY THE EPISCOPAL CHURCH, WHITE EARTH AGENCY.

I. The hospital to be opened November 1, 1909, to such sick Indians as may be admitted by the Government physician, in charge of the White Earth Agency. The church to place at the disposal of the hospital for this purpose all furniture, bedsteads, mattresses, bedding, supplies, etc., now at the hospital or belonging to it.

II. The United States Government to provide and pay the salary of a competent nurse to serve as matron and nurse.

III. The Government to have plumbing repaired, hot-water tank attached, and a new closet seat set in the water closet, a cook stove with hot water boiler put in on first floor, and attached; and water carried to large guild room for kitchen purposes; the storm windows for the hospital to be glazed where broken, and put in place, and the building to be thoroughly cleaned, scrubbed, etc., at Government expense. The Government to furnish additional beds, mattresses, bedding, blankets, bed linen, chairs, stands, and tables, towels, and linen as needed for hospital use, etc.

IV. The Government physician at the White Earth Agency to inspect and put in order the supplies and medicine and drugs now at the hospital; and the Government to furnish hospital supplies as they may be needed, upon written requisition of the White Earth Agency physician.

V. The said agency physician at White Earth to have charge and direction of the hospital for eight months from November 1, 1909, to July 1, 1910, and to have the right of determining what patients shall be admitted. If any patient duly admitted is able to provide for his, or her, medical attendance, he, or she, shall be free to be attended by any regularly accredited physician, with the approval of the agency physician in charge.

VI. The Government to furnish fuel, lights, food for the nurse or matron, the assistants, if any, and the patients, as may be necessary, upon written requisition of the

physician in charge. The Government to provide a competent woman to cook for the hospital, who shall also be competent to assist in nursing, if necessary, and shall so assist when necessary. The Government also to furnish a competent man or boy to care for the furnace and the heating of the hospital.

VII. Accurate records to be kept of all patients admitted and of all cases treated; full records to be furnished to the department, and, if desired, to be furnished in duplicate to the trustees, if there are such, or the rector of the St. Columbia Church. These records shall show the work done, and the funds and supplies expended.

VIII. This is understood to be a temporary arrangement for the time specified, and merely as an "emergency provision" for especial needs; and neither of the parties to this agreement shall be hereby prejudiced or committed for any time beyond the time herein specified or with reference to any plan other than the one herein specified.

This basis for an agreement is strongly recommended to the department and the Indian Bureau for immediate action, in view of the great needs of the White Earth agency Indians, by E. B. Linnen, inspector, Department of Interior; Warren K. Moorehead, special United States Indian agent, and by Merrill E. Gates, member and secretary of the United States Board of Indian Commissioners, all three of whom are at the agency and familiar with the facts of the situation.

It has the approval of Bishop Morrison of the Episcopal Church and of Archdeacon Parslal.

Mr. GRAHAM. When you speak of liquor being passed around in buckets, what do you mean; what kind of liquor do you refer to?

The WITNESS. Either beer or whisky.

Mr. GRAHAM. Do you know which?

The WITNESS. My information was that it was whisky that was being passed around in the pails.

Mr. GRAHAM. What is the Indian's usual drink, when he can get it; does he prefer whisky or beer?

The WITNESS. I believe whisky, Mr. Chairman.

Mr. BURCH. Do you know the Pussyfoot Johnson matter?

The WITNESS. I do, very well, sir.

Mr. BURCH. Was it the result of your report?

The WITNESS. It was.

Mr. BURCH. Who was he?

The WITNESS. He was the chief special officer for the suppression of liquor for the Indian Bureau—the Indian Department.

Mr. BURCH. Do you know what he did up there, after your report?

The WITNESS. After this report had gone in to the Secretary Johnson was sent up there. He looked over conditions, found them as described in my report and Mr. Moorehead's report, and took steps to put those saloons out of business. The first step was notifying the saloon keepers and bar tenders to cease selling liquor on the reservation, and to move the liquor off the reservation; he afterwards organized a posse, and went to the town of Mahnomen and broke up the saloons there. I accompanied one of his men, and broke up the saloons at the towns of Waubun and Ogema.

Mr. BURCH. How? Describe to the committee what you did.

The WITNESS. Well, we went into the saloons, and ordered all the the people who were drinking there to get out of them, and we then destroyed the liquor, broke open all the barrels or cases and let the liquor run out, and broke all the bottles of liquor in all of the saloons.

Mr. BURCH. Go on, now.

The WITNESS. Maj. Howard, the superintendent at White Earth, who was in charge of a posse, did the same thing at Callaway. So there were three parties out that day destroying those saloons.

Mr. BURCH. Go on, now; take up the other head.

Witness then read section B, "Farming lands," of the joint report, signed by E. B. Linnen and Warren K. Moorehead, as follows:

SECTION B—FARMING LANDS.

The 510 affidavits and statements taken by us cover both timber and farm lands. In 225 statements, 665 80-acre tracts have been sold and 98 80-acre tracts mortgaged. These statements of full bloods describe from one to as many as thirteen allotments each. In many of them the husband or wife gives an account of the sale of the entire holdings of the family, together with those of the deceased children. Inspection of these affidavits will give some idea of the extent to which the Ojibbways have been robbed.

It will be observed that the statements usually relate to the sale or mortgage of lands to the following bankers: M. J. Kolb, of Ogema; L. S. Waller, of Waubun; E. G. Holmes, of Detroit; A. F. Anundsen, of Detroit; and Attorneys W. B. Carman and P. S. Converse, both of Detroit; and to Fred Sanders, who operates for Banker Anundsen. Gus H. Beaulieu and Ben Fairbanks are frequently mentioned in these affidavits. They are more concerned in the timber transactions for the Nichols-Chisholm Lumber Co. John W. Carl, an educated Indian, of Mahnomen, Minn., has been very active in procuring lands, and has visited schools and interviewed pupils, securing from them deeds to land tracts. This feature has been considered by Inspector Linnen in his special report.

Many small land buyers operated for the men mentioned above, and for land companies such as the Prairie Land Co. and others. We are informed that E. G. Holmes is interested in a number of land companies. Of late there has been more activity on the part of land companies, particularly those from a distance. This is especially explained on the grounds that the bankers and real-estate men here, fearing this investigation, wished to unload and have induced outside parties to take their holdings. Particularly is this true of M. J. Kolb, of Ogema. When traveling from St. Paul to Ogema, Minn., recently we met a Mr. Dean, jr., of Cedar Rapids, Iowa. Mr. Dean, jr., seems to be an honest young man who wishes to do the right thing. He was on his way to Ogema to purchase for his father eight or ten thousand acres of Indian lands from M. J. Kolb. This was to be resold by the Dean Land Co., of Cedar Rapids, Iowa. Thus Kolb would have been able to dispose of the allotments he had purchased from full bloods and minors as well as from mixed bloods.

The farm lands on the White Earth Reservation range in value from three to four hundred dollars to as high as three or four thousand dollars or more for each 80-acre allotment. Indians who own lands near and on the site of Mahnomen, Minn., were especially sought out by the land buyers living in that town. Most of these Indians were ignorant Pembinas, and, although their farms were more valuable than the average, they sold at prices ranging from $45 to $250 per allotment.

A reading of these statements will show that every scheme that human ingenuity could devise was employed to swindle the Indians out of their lands. Many of these statements should have been made the subject of a special case. For instance, the statement of Mrs. McIntosh, who was in the dentist's room next to Fred Sanders's office, in Detroit, Minn., who heard a conversation between an interpreter and an Indian, the upshot of which was that the Indian did not care to sell his land; that the interpreter persuaded him to take a walk, and that in the course of two hours the interpreter and Indian returned, the latter so drunk that he had to be helped upstairs, and when in this condition Fred Sanders procured his land. The case of the saloon keeper, Nels Nelson, of Ogema, who, when the Indians drove up in front of his saloon, ran out and brought them all in, even carrying in the baby himself, and repeatedly gave them whisky and bought their allotments for $15. (See affidavit No. 303.) Also statement in which it appears that Indians signed warranty deeds whereas they supposed they were signing mortgages, or deeds and mortgages instead of receipts for money advanced. We would call your attention to the affidavits of several interpreters who have virtually made confessions as to the methods employed by the land buyers and bankers in their dealing with the Indians. We would refer to the affidavits of Frank Smith, Jack Rabbit, Peter Riley, Robert Howard, John Johnson, jr., Gabriel Saico, Andrew Van Oss, Frank Clark, Charles Moulton, et al. It would appear from the statements of these interpreters that they were instructed to bring in Indians who had trust patents, to the buyers; that it was immaterial whether these Indians were drunk or sober, full bloods or minors; it was the object of these buyers to secure the lands for little or nothing; that worn-out horses, worthless buggies and harnesses were traded these Indians on a supposed valuation of several hundred dollars each, that lots in a swamp section of Ogema were given the Indians in lieu of cash. Frequently these Indians were so drunk that they had to be held up when they touched

the pen. These interpreters employed could not tell the difference between a deed and a mortgage, the papers were seldom read to them, and most of the Indians who sold did not understand the proceedings, and the majority of the Indians who appeared before them were never sworn to the papers.

We particularly call your attention to affidavits and statements numbered 382, 268, 247, 223, 22, 375, 384, 496, 11, 23, 276, 393, 400, 9, 322, 209, 286, 251, 456, 44, 425, 45, et al, for illustration of how the deals were consummated.

RECOMMENDATIONS.

We have the honor to make the following recommendations:

First, That action be brought to set aside all sales, deeds, and mortgages for these full-blood lands shown to have been transferred after abstract of title has been secured, showing the exact status in each case, as under the law only the adult mixed bloods could dispose of their lands.

Second. That indictments be secured and criminal action be brought against the persons shown to be guilty of conspiracy in connection with these illegal transactions, as the persons connected with these deals in the majority of instances not only swindled the full-blood Indians, wards of the Government, and entered into conspiracy with an interpreter and others to do so, as is shown by these affidavits, but that they prepared applications for patents in fee simple and had affidavits on which to base patents in fee, the intent of which was to deceive the honorable Secretary of the Interior and his subordinate officers in the issuance of fee simple patents to these allotments belonging to full bloods, knowing that the same would not be done were the true facts known to these officers.

Very respectfully,

E. B. LINNEN,
United States Inspector, Department Interior.
WARREN KING MOOREHEAD,
Special United States Indian Agent.

The WITNESS. The affidavits to which this section refers I have some of them here in the room, and some are in another room; they can all be secured. The affidavits of the interpreters are here, as showing what methods were employed.

Mr. BURCH. We shall file those, certainly.

The WITNESS. Do you desire to have them read?

Mr. BURCH. I do, and I want to put them in.

Mr. GRAHAM. They are competent.

Mr. BURCH. Go on and read the affidavits of the interpreters.

Mr. GRAHAM. Are these originals?

The WITNESS. These are the originals.

Mr. GRAHAM. You will furnish copies of these for the record?

Mr. BURCH. Yes.

The witness reads:

STATE OF MINNESOTA, *County of Becker, ss:*

On this 11th day of September, A. D. 1909, before me, E. B. Linnen, United States inspector, Department of the Interior, personally came Gabriel Saice, who, being first duly sworn by me according to law, on oath deposes and says:

My name is as above stated. I am 39 years of age and a Chippewa Indian of the mixed blood. I have resided on the White Earth Indian Reservation all my life. I am at present employed as laborer at the White Earth Boarding School, White Earth Agency, Minn.

In July, 1906, I was employed by Banker Aamoth (Helmar?), of Mahnomen, Minn., to bring whatever trust patents I could get hold of of Indians residing on the White Earth Reservation. He asked me to do this before the date when the mixed bloods could dispose of their allotments. He told me he would give me $5 apiece for all of these trust patents I could bring to him. I worked for him only one week, but during that time I brought him eight trust patents of Indians, who sold their lands to him, for which he paid me the sum of $5 each. He used to take mortgages on the lands for 10 years at a time. He would offer the Indians $500, and when it came to making out the papers he would pay them only $200 or $300. I also made two trips out in the country with Aamoth when he was buying Indian lands.

I have seen the Indians hold the pen to make their marks, but I never saw them being sworn to the papers. I have seen the Indians there in the bank selling their lands, so drunk that some person would have to hold their hands for them to make the mark. The banker would promise the Indians $500 or $600 to get the Indians to sign, but after the Indians had signed he would pay them whatever he wanted to, usually only $200 or $300. The Indians had to pay all expenses for making out the papers, interpreter's fee, etc. In some cases they would give the Indians a poor, old team of horses, a buggy or wagon, and old harnesses. The horses were generally worthless and soon died, and the Indians would have nothing left. Then, if the Indians should come back and ask for 50 cents or a dollar they would kick the Indians out. When I saw the Indians were being robbed of their lands, I quit working for Banker Aamoth and he got a fellow named Joe Flammond to take my place as interpreter. Banker Aamoth used to send Flammond to Turtle Mountains, N. Dak., Cass Lake, Red Lake, and all over to get land away from the Indians who had allotments on the White Earth Reservation. The banker would give the Indians orders, sometimes to trade in the stores at Mahnomen, Minn., and would divide up the money with the storekeepers, and the Indians would never see a cent of cash and just get a small amount of provisions and stuff from the stores. Sanders Bros., Banker Burkett, J. T. Van Metre (who used to work in the Indian office at White Earth), all of Mahnomen, Minn.; Banker Pederson, of the First National Bank, Twin Valley, Minn.; Mr. Froshaug, Twin Valley; Peter Nicholson, and others used to do this kind of business.

Papers for the sales of land were made out in advance of the date when such sales could be made, July 1, 1906, by Sanders Bros., and the town of Mahnomen was full of old horses, old buggies, and harnesses to be used in trading with the Indians for their lands. In a large majority of the cases the Indians got no money, but mostly old horses, old wagons, and old harnesses, etc., all worthless stuff; they were defrauded in every manner. Some of the outfits of horses, wagons, buggies, and harnesses were worth about $70 or $80, and the land dealers would charge four or five hundred dollars for the same. The horses were old and hardly able to stand on the road, and the bankers would stand in the doors and laugh at the poor Indians as they drove away.

Banker Aamoth also did me out of my land. He raked up all the old bills and debts against me that he could and charged them against me, so that I had scarcely $5 coming for my land.

Banker Aamoth would instruct me to bring the Indians with their trust patents, and then he would generally give them a little money and take a mortgage on their lands, and in a few months, when the money would be used, then he would buy their lands from the Indians for a very small amount. The mortgages were generally made out for 10 years, and he would then charge up the 10 years' interest against the Indian and make him pay that, the cost of interpreter, making out of papers, and everything. The Indians did not understand these transactions or papers which they were made to sign.

GABRIEL SAICE.

Witness:
JOHN LUFKINS.

Subscribed and sworn to before me this 11th day of September, A. D. 1909, at White Earth, Minn.

E. B. LINNEN,
United States Inspection, Department of Interior.

The WITNESS. I will next read the affidavit of Interpreter Frank Clark, dated August 31, 1909 [reading]:

STATE OF MINNESOTA, *County of Mahnomen, ss:*

Frank Clark, being first duly sworn, on oath deposes and says:

I acted as interpreter for John Vig, a land dealer at Fosston, Minn., when he purchased several Indian allotments. On one occasion he paid me for acting as interpreter and bringing into Fosston the Indians from whom he purchased the land. He used to have me ask the Indians if they were mixed bloods, but he never had me read over to them the papers that they signed. I, as interpreter, did not know the contents of the papers which they signed and did not know whether the papers were deeds or mortgages; consequently, the Indians could not and did not know the contents of said papers which they were signing. My belief and understanding was that some of the Indians from whom he purchased these lands were full bloods.

On June 11, 1909, Mr. Holton, a land dealer who lives at Grand Forks, N. Dak., came to Duane, Minn., and vicinity, where I reside, and talked with various Indian

allottees who owned lands in Mahnomen County. He told them to come to the celebration at White Earth, Minn., which was to be held June 14, and he would there buy their lands and give them the money for same. On June 14 I met the said Holton at White Earth, Minn., on the grounds where the Indians were holding their celebration. He was in company with Fred Peake and some white man whom I did not know. Said Holton had me interpret for him in the purchase of lands from various Indians, both full bloods and mixed bloods.

Holton would tell me to ask the Indian what he or she wanted for their land. They would generally say they did not know, and he would generally tell them he would give $300 or $500, and then would have them sign papers or put their thumb marks or mark on the papers which he and Fred Peake prepared for them to execute, and then he, Holton, would pay them a small amount of money, $10, $12.50, or $25, and have them sign the papers. These papers were not read to these Indians. As interpreter I did not read the same or know the contents of same, so that the Indians who put their thumb marks or signed by marks could have no knowledge of what said papers contained, and I did not know, and they did not know, whether these papers they then executed were deeds or mortgages. My recollection is that only one Indian was asked if he was a mixed blood or full blood; the balance were not asked such questions by me as interpreter. None of these Indians who signed and executed said papers at their camp grounds at the celebration held at White Earth June 14, 1909, were sworn by any notary public or other duly authorized officer to these papers which they then signed by mark or thumb mark, and none of these Indians were paid in full the amount of money which they were promised by said Holton, the land dealer from Grand Forks, N. Dak.

The names of these Indians from whom the said Holton purchased or pretended to purchase their allotments, as herein stated, are as follows:

John Anywash, or Me-kee-zee; Go-quay, wife of John Anywash; Show-wash-ko-ge-shig; Kah-duck-quay-zaince; Joe Bush; and a young man named Wah Yea, and others whose names I can not remember.

None of the papers that these Indians signed had been read over or interpreted to them by myself, who acted as interpreter, nor by any other persons present. Neither was any or all of them asked if it was their own free act and deed, or if they understood the contents of the papers that they were signing, or what they were doing. The money was paid to these Indians by check by Mr. Holton. Fred Peake prepared or had prepared papers for these Indians to sign. None of these Indians were sworn by by any person, and I am fully satisfied that they did not know what they were doing. Said Holton paid me the sum of $5 for interpreting and asking questions of such Indians from whom he procured deeds on that day to their lands. I do not know whether said Holton ever paid to these Indians the balance of the moneys which he promised them. The most that he did pay any of these Indians on that day that he purchased their lands was $25. Some he paid as low as $10 each. There was one Indian from whom he purchased land on that day who had been drinking and who was at the time he made the deal under the influence of liquor.

I did not interpret any papers to any of these Indians to the effect that they were mixed bloods. I do not know whether they signed any such papers making such statements or not, and I am fully satisfied that none of the Indians who executed deeds knew that they were signing any such statements. None of these Indians were asked by me as interpreter, or by any other persons present, how old they were, or whether or not they were minors. Some of these Indians from whom said Holton purchased their lands gave to him their trust patents for same on that day, and others did not. Said Holton had me sign on that day when he was making the purchase of these lands from these Indians my name to certain papers which they then had; I do not know what said papers were, whether I was signing as a witness or for what purpose. I was not sworn to any papers which I then signed. These papers were also signed by Fred Peake, who was also present, and by the other white man whose name I do not know, who was also present.

(In regard to John Vig:)

The names of some of the Indians from whom John Vig, of Fosston, purchased lands were as follows:

Maggie Porter, or Dub-e-quay, living at Duane, Minn.
John Stevens, or May-zo-mah-nay.
Mary Stevens, or Ne-o-be-quay.
Ah-ne-cobe.
Ke-way-din-no-quay.
Long Jack, or We-me-gwance.

Charley Anewash, or Kay-dish-quay-gah-bow, and his wife, Nancy Anewash. Wah-ne-nah-se-gay-quay.

These people were living in the vicinity of Duane, Minn., and these deals were all made in John Vig's office, upstairs, over the First National Bank, in Fosston, Minn. I brought only one of these Indians there to Mr. Vig's office. Only once did Mr. Vig pay me, and that was the time I brought the Indian down to him. This Indian was We-me-gwance.

I signed papers at the request of Mr. Vig in his office without knowing what I was signing. I did not interpret or read over the papers to them which these Indians signed in his office. I did not know the contents of same, neither did the Indians. I do not know whether they signed any statement to the effect that they were mixed bloods, not having read over or interpreted said papers to them. Neither were any of these Indians asked if it was their own free act and deed when they signed papers in Mr. Vig's office. He simply made out papers and they signed.

I hereby certify that I have had read over to me and that I fully understand the contents of this affidavit in each and every particular, to which affidavit I hereby subscribe my name, and that the same is true to the best of my knowledge and belief, so help me God.

And further this deponent saith not.

FRANK CLARK.

Subscribed and sworn to before me this 31st day of August, A. D. 1909, at Beaulieu, Mahnomen County, Minn.

E. B. LINNEN,
United States Inspector, Department of Interior.

Adjourned until 10 o'clock a. m., Tuesday, January 30, 1912.

APPENDIX.

The following is Burch's Exhibit No. 36, which should have appeared on page 131 of hearing No. 11 before the words "Rev. Duane F. Porter, sworn by the chairman, testified as follows":

BURCH EXHIBIT NO. 36.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 31, 1905.

UNITED STATES INDIAN AGENT,
White Earth Agency, Minn.

SIR: Based upon Inspector McLaughlin's report of October 6, the order of this office of July 6, 1905, suspending the allotments under the Steenerson Act, is hereby revoked, and you are hereby directed to continue the allotments on the White Earth Reservation under provisions of said act, in accordance with the instructions given you on the subject prior to July 6, last. The allotments already made under said act will stand as made. The work should progress with all due diligence. At the same time you should continue the "original" allotments under the act of January 14, 1889, and complete the same as early as practicable. Please acknowledge receipt of these instructions.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

WHITE EARTH RESERVATION

No. 14

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 30, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, JR., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. MCCARRON, *Clerk*.

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
January 30, 1912.

Mr. BURCH. Are the committee ready?

Mr. GRAHAM. Yes, Judge Burch, we are ready.

Mr. BURCH. In accordance with the agreement of yesterday, Mr. Birkett may take the stand. I don't see the learned counsel here who made the arrangement, but I assume that he don't care to be here, or he would be here.

Mr. GRAHAM. Is that Mr. O'Brien?

Mr. BURCH. Yes, sir; Mr. C. D. O'Brien. [Addressing the witness.] Did you wish to have Mr. O'Brien present?

The WITNESS. I don't care. I have no attorney.

Mr. BEAULIEU. I wanted to ask a few questions of Mr. Linnen.

Mr. GRAHAM. Is Mr. Linnen here?

Mr. BURCH. Mr. Linnen is here in the building, and if the committee sees fit to have him stand aside, I think it is Mr. Beaulieu's privilege.

Mr. BURCH. As we quit with Mr. Linnen, I think it would be better to continue.

Mr. GRAHAM. Mr. Birkett, you may stand aside for a little while, and Mr. Linnen will take the stand.

(Mr. Beaulieu hands list of questions to the chairman.)

E. B. LINNEN recalled to the stand as a witness.

Mr. GRAHAM. Mr. Linnen, Mr. Beaulieu submits the questions I shall read to you.

Q. Did you make any investigation regarding what use, if any, the Indians at White Earth had made prior to 1906 of their respective allotments?—A. Yes, sir; I made some inquiry along those lines, and I ascertained that some 15 or 20 years ago that there was much more farming done, much more land under farming than there was at that time.

Q. Did you make any estimate of the proportions—how much more?—A. No; I can not say that I made any estimate, but in my trips around over the reservation and my talk with various persons who had lived there for a number of years and who knew conditions 15 or 18 years ago, and at that time, my observation and the information I received convinced me fully that at least double or may be three times the amount of land had been cultivated some years prior than was then being cultivated.

Q. Did your investigation reveal, or do you know, in any way what the cause of that was?—A. Well, no, sir; I can not say that I

made any particular investigation to ascertain the cause. I did learn that in early years the Government had issued cattle and horses and wagons and some farming implements to the Indians, and had possibly done more along the line of encouraging them in agricultural pursuits than they had been at that time. Then, by reason of the opportunity to sell their lands and secure some money, there wasn't as much of an incentive on their part to work.

Q. Did you learn whether the White Earth Indians were self-supporting or not?—A. My investigation convinced me that they were not.

Q. What assistance have they been receiving, excluding the very recent removals?—A. Well, as to that I could not say. They have—various Indians have at various times—received rations, and each year they got a small annuity payment and assistance in one way or another from the Government.

Q. Well, both the rations and annuities are payable out of the tribal funds, are they?—A. Oh, yes, sir.

Q. Speaking of recent removals. Where are those recent removals from?—A. Well, there was an attempt made to remove the Mille Lac Indians up there and quite a few Indians were removed up on the White Earth Reservation and given allotments, and under the terms of the agreement or treaty were given a house and I think a wagon and a team, and certain other articles, and were to be rationed for a period of time. Some of those Indians came up there, but were dissatisfied, it seems, and sold their allotments for a very nominal consideration and went back to Milaca, and for a year or more, prior to the time of my investigation, there hadn't been to exceed three or four or five Mille Lac Indians moved up there, and a large majority of those who had formerly been allotted and moved up there had gone back to Mille Lac.

Q. Were there Indians removed to White Earth from any other of the old reservations than Mille Lac?—A. It is possible that may have been done in early days. I did not look into that feature of it.

Q. Was the report you read yesterday based on information you obtained from intelligent, educated white people and Indians, or was it solely on the statements of ignorant full-bloods?—A. The report was based on our own personal observation and the statements of all classes of people—whites, full bloods and mixed bloods, and the evidence we secured from the county records and from the other various sources showing how the Indians had been defrauded.

Q. From whom did you get your information principally, upon which that report was based?—A. That would be very hard to say, sir. I presume it embraced six or seven hundred different people; possibly more.

Q. Did full bloods make such affidavits or statements as would satisfy any reasonable person that they were confining themselves to the truth?—A. Certain full-blood Indians, I believe, were stating the facts and the truth, and from the evidence which they gave, substantiated by others, I felt fully convinced that they were telling the truth.

Q. And what excuse did they have to offer for mortgaging and selling their allotments—mortgaging or selling their allotments?—A. Various excuses. Sometimes they were under the influence of liquor, frequently they were very anxious to obtain a little money,

they were hard up and very anxious to get some money, or some provisions; often they were, you might say, almost forced to sell or mortgage, instances occurring where white men and interpreters came to their homes in the nighttime and stayed there until they—you might say compelled them to sign papers. There were instances where it was related that the Indian was put in, placed in jail, and made to sign papers before he could get out of jail. He thought at times he was being loaned a little money, ten or fifteen or twenty-five dollars, and he thought he was signing a note, when, as a matter of fact, he was signing a deed or mortgage. In some instances, when it was stated to him he was signing a mortgage, after a little money had been loaned to him, it became—it was often learned later that he had not only signed a deed to one of his allotments, but to all of his allotments. There were cases of absolute forgery. I recall one instance where a former employee at the office at White Earth was foremost in presenting to the Secretary an application for a patent in fee for an allotment of a certain party who had been dead at that time nine years. A boy; a minor.

Q. Could you give the names of the parties to that transaction?—A. I have affidavits to cover it, Mr. Chairman. I can not just now speak the name of the party. I have the evidence of his parents, his uncle, and others who knew as to the facts.

Q. Would it take much time to in some way point out or indicate those affidavits?—A. No, sir. [Witness produces affidavits.] Here is one affidavit covering the case, which gives the name of the party:

STATE OF MINNESOTA, *County of Becker, ss:*

On this 14th day of August, A. D., 1909, before me, A. D. Linnen, inspector of the Interior Department, personally came Frank Smith, who being sworn on oath, deposes and says he knew the boy who was a Chippewa Indian by the name of Nah-gwun-way-way-daing, and that he lived with his parents near Pine Point, and that the boy had an allotment which I believe to be the southeast quarter (SE¼) of the northwest quarter (NW¼) and the southwest quarter (SW¼) of the northeast quarter (NE¼) of section twenty-four (24), township one hundred forty-two (142), range forty-two (42), west of the principal meridian of Minnesota.

This boy died about 10 years ago, and was then a small child. I know this, because this boy was my nephew, being a son of my own brother. That is the boy that an application was made for his fee patent, forged, as I believe, by one Perrault, a former employee of the Indian office at White Earth.

Q. (by Mr. BURCH). Under whom?—A. Under Michelet. I so charged at the time, and do now, that he forged that name.

Mr. GRAHAM. In what capacity was he employed?

The WITNESS. He was some sort of a clerk in the office. I have other evidence bearing on this same case from the boy's parents and others, and if I don't mistake I made a special case of that and asked criminal prosecution.

Mr. GRAHAM. I don't ask to inject any more of your affidavit information in your answers at this time.

Mr. BEAULIEU. What I wanted to know was the names of the persons who were put in jail—who were compelled to be put in jail in order to get them to sign the papers.

The WITNESS. Mr. Chairman, some of the numerous affidavits, 500 or upwards, will show that. Just which ones I can not say now.

Mr. BEAULIEU. Do you know of a case where either Mr. Ben Fairbanks or Mr. Gus H. Beaulieu defrauded any Indian? And if so, give the name of the Indian or Indians.

The WITNESS. In an affidavit which I read here the other day, or rather a report, I referred to certain affidavits by number. The statements contained in those affidavits made by the various Indians, I believe, charged that they were defrauded in some manner. That they had not received all of their money. A reading of those affidavits would show who those people were and just what the specific cases and circumstances were.

Q. Would it take you long to identify some of them as part of your answer?—A. I can refer to the affidavits by number very quickly, but how soon they could be picked out I could not say.

Mr. GRAHAM. You might do it that way.

Witness produces papers.

The WITNESS. Here is the statement in the report: We find no discrimination in the deals of Gus Beaulieu and Ben Fairbanks as to whether Indians were full bloods, minors, or mixed bloods. When Messrs. Beaulieu and Fairbanks, also Mrs. Header of Pine Point, purchased timber, no discrimination seems to have been made; in fact, all Indians looked alike to the buyers, and Mrs. Header was willing to set down all Indians as mixed bloods, and Gus Beaulieu made frequent affidavits that Indians were mixed bloods in order to secure fee-simple patents, who have since been proven full bloods. These papers are No. 62, 227-237, and 312. Those are the affidavits.

Mr. GRAHAM. The papers referred to are the affidavits.

Mr. BEAULIEU. Do these papers state that I made affidavits on behalf of the Indians, sating that they were full bloods?

The WITNESS. That is my recollection, yes, sir. Or that you had them made.

Q. Those particular names I would like to have you give me.—A. A little later I will secure these affidavits for you.

Mr. BEAULIEU. Did you learn of any other case where either Mr. Fairbanks or Mr. Beaulieu ever dealt with a drunken Indian, and if you did, give the name of the Indian.

The WITNESS. I don't recall any instance at the present time.

Q. You stated in your report read yesterday that a man named Clark had interpreted in some land deals, and that the Indians had been asked if they were mixed bloods. Did Clark say what their reply was to that question?—A. Clark's affidavit which I read here said just what the circumstances were. He says: "My recollection is that only one Indian was asked if he was a mixed blood or full blood. The balance were not asked such questions by me as interpreter." That was his statement. "I did not interpret any papers to any of these Indians to the effect that they were mixed bloods. I don't know whether they signed any such papers making such statements to me, and I am fully satisfied that none of the Indians who executed deeds knew that they were signing any such instruments." That is what he says.

Q. You stated in your report that you had obtained an affidavit to the effect that Frank Smith, who was himself an Indian, had got Indians drunk and while in this condition took them to Attorney Wright at Park Rapids, then got them to sign deeds. There is only one attorney at Park Rapids by that name and he is judge of the

district court of Hubbard County. Is he the person you refer to?—A. I don't know the gentleman myself, but his statement would give the man's name. [Witness refers to paper.]

Q. In answer to the question "You have seen people robbing and swindling these people? Answer. Yes, sir." Who are these men? He mentions a number, among whom is B. F. Wright for the Park Rapids Lumber Co.—A. I don't know whether he is an attorney or who he is. I don't know the man.

Mr. GRAHAM. Do you know that Judge Wright is one of the most reputable men in northern Minnesota?

The WITNESS. As I stated before, Mr. Chairman, I don't know, and don't know anything about him. I don't know who he is.

Q. Well, I will complete the question. And did you accept the statement of one ignorant person to base your report against him on?—A. No; it is my judgment that he was probably mentioned in other affidavits of the Indians. I did not base my report against him, as I know of; I have simply read the statement of Mr. Frank Smith.

Q. In your investigation at White Earth, do you know or did you hear of any person who purchased an Indian allotment who knew the allottee to be a full blood or who urged him to make a false affidavit that he was a full blood?—A. I believe the various affidavits show numerous cases of that kind, Mr. Chairman.

Q. If so, why didn't you; wasn't it you duty to cause the arrest of a person who urged the Indian to purger himself?—A. I considered, Mr. Chairman, that I had performed my full duty when I had reported all the facts to my superior officer, the Secretary of the Interior, and made recommendations, then he turned it over for such action as he deemed proper to the proper officers of the Department of Justice.

Q. You said in your report that more land was under cultivation on the White Earth Reservation 15 or 20 years ago than in 1909. Do you know how much land was under cultivation in 1890 to 1895?—A. No, sir.

Q. Do you know how much was under cultivation in 1909?—A. No, sir; and I don't think anyone else does.

Q. Do you know as a matter of fact that anything like a correct report of the land under cultivation upon White Earth Reservation has been made for a great many years?—A. Why, I know this. That it is the purpose of the superintendent of the various reservations in his annual report, to make such statements, giving approximately the number of acres of land under cultivation, etc., but I never looked into that particular feature of it.

Q. Can you name one mixed blood who was favored in the allotting of lands, over a full blood?—A. I don't care to name any specific instances, but believe there were hundreds of them. The tract book shows it. All the circumstances connected with it indicate it.

Q. You stated to the committee that you caused the removal of the superintendent of schools at Beaulieu. Who was he?—A. It was a lady—Miss Allen was her name, as I recall. No; was it? No; I believe not. Cook—Miss Cook; Miss Viola Cook, as I recall now.

Q. If I remember rightly, it was for misappropriating funds?—A. Yes, sir; it was for filing false vouchers and I may say forging checks. That is what was done.

Q. And it was by the issuing of those false vouchers and checks that the misappropriation was made, was it?—A. Yes, sir.

Q. Was it a considerable amount, or a small amount?—A. Well, it run into thousands of dollars. I don't know just how much. I checked the matter over with a party for a period of maybe ten or a dozen years, and she admitted instances enough to bring it up to $3,000 or $4,000, as I now recall.

Q. Were there any attempts made to recover it or to punish the offender?—A. At the time I made the investigation, this woman practically confessed the whole matter to me and admitted everything, and at the time she turned over to me what ready cash she said she then had in her possession. I don't now recall the amount, but whatever it was, I forwarded it to the department with a full statement of the circumstances. I did not make a recommendation in the matter because of the fact that she was a woman, and subsequently I was informed by certain officers of the department that they believed they would let the matter drop by just letting her—by removing her; but if she had been a man, they would have prosecuted him criminally.

Q. Did you not learn of some other officer at White Earth who had either used funds for his own use and benefit that belonged to the Chippewas in Minnesota, or had purchased property with these funds?—A. No, sir; I don't recall any such case.

Q. Did you, in 1909, make a report to the Indian office at Washington, to the effect that Gus H. Beaulieu had defrauded the Mille Lac Indians?—A. I don't know that I stated defrauded, I made a report covering those Mille Lac funds. I have a copy of it here and would be very glad to read it to the committee.

Mr. BURCH. Not at this time. We will take it up at another time.

Mr. GRAHAM. Mr. Beaulieu asks further if you did make such a report, that you state the circumstances and the source of your information.

Mr. BURCH. I respectively say to the committee, that we have that in regular order under a subheading, where we can treat of it exhaustively and fully; and if that question can be waived by the chairman at this time so we can take it up at another time, to oblige me, I propose to do so.

The WITNESS. The report itself, Mr. Chairman, gives the facts and the circumstances and the whole matter, as I now recall it.

Q. Have you them in your recollection?—A. What is that?

Q. Have you the circumstances in your recollection? Do you recall them without reference to the report?—A. I recall this. That Maj. Howard, the superintendent, stated to me that he had been charged with a misappropriation or misuse of those funds by Mr. Beaulieu in his newspaper, and he said while the department has not asked me for an explanation, I trust that you will make an investigation of it and report it to the department, giving the facts as you find them. I did so, and by my report dated July 17, 1909, I made the report to the department covering the whole matter.

Q. Did you have any information except that given you by Mr. Howard?—A. Yes, sir; I had statements from banks—various banks—and other data which enabled me to act very intelligently on the whole matter.

Mr. GRAHAM. When do you expect to reach that branch of the investigation?

Mr. BURCH. It is under the heading of the Mille Lac frauds, or something or other of that kind, and except that it would be out of our regular order which we have tried to adhere to, there is no objection to taking it up.

Mr. GRAHAM. I don't ask you to change the order.

Mr. BURCH. We have lots of other witnesses here waiting.

Mr. GRAHAM. Well, I don't ask you to change the order.

Mr. BURCH. Well, I can not tell when we will reach it, Mr. Chairman.

Mr. GRAHAM:

Q. In connection with the Mille Lac matter, did agent Howard also inform you that Gus H. Beaulieu had secured the land where these Mille Lac Indians are now living at Mille Lac?—A. I don't recall anything of that kind.

Q. Did you follow me, or shall I repeat that?—A. I think I understood, Mr. Chairman, but I don't recall giving that account.

Q. Did Mr. Howard inform you that Beaulieu had paid the expenses of a delegation to Washington and had placed in the Merchants National Bank, of St. Cloud, $5,600 to the credit of the Mille Lac Indians, notwithstanding the Indians had urged him to retain that amount?—A. The facts which I found, Mr. Chairman, were not as stated by your question.

Q. Did Mr. Howard say to you that Mr. Beaulieu had paid an attorney upon the representation that the amount was to go toward helping the Mille Lac Indians—the amount of $1,000?—A. I don't recall Mr. Howard having made any such statement. The facts in connection with the whole matter I found out or ascertained, and I have them somewhat different from what his questions would indicate.

Q. Well, did Mr. Howard tell you about this last or any of these transactions?—A. It is possible I may have talked with him about it.

Q. So whatever report you made on the subject, or whatever information you had on it, was it gained from Mr. Howard alone?—A. No, sir.

Q. If, as stated here, you have no ill feeling against Gus H. Beaulieu on account of his criticisms of you and Mr. Moorhead, why did you not call at his office and get information regarding his side of the Mille Lac matter, since it was something over which the Department had no jurisdiction?—A. I can only say this, Mr. Chairman, that during the time I was in—at White Earth—I made that investigation as I deemed right and proper, and I consulted with the people whom I believed it proper to consult with. Mr. Beaulieu, acccording to my recollection during the time I was at White Earth, was absent practically all the time. I didn't meet him and didn't know him. And I know of no reason why I should go to his newspaper office particularly to get any information.

Q. Are the series of charges which you make relative to erasures on the tract books of allotments based wholly upon suspicion, or did you have some tangible evidence upon which to base your suspicion?—A. All the circumstances connected with it, Mr. Chairman, indicated what I have stated to be the truth and the facts. In other words, those parties whose names appear in pencil are the half breeds who got the good allotments. Only their names are penciled.

Mr. BEAULIEU. I don't think that is in answer to the question.

The WITNESS. Of course, I wasn't there at the time these names were being written, and I have no positive knowledge. It's a good deal like seeing a coon's track on the bank of a creek in the soft mud—I know that coon has been there, and here I see certain records tampered with. I know it just the same way.

Q. Do you know whether it is entirely on your report that the Department of Justice has proceeded in the matter, or whether they have other evidence than your report?—A. I do not pretend to know, Mr. Chairman, other than this. I performed my duty and did it honestly and conscientiously in connection with Mr. Moorehead, and we turned in our report. Since that time I had had no connection whatsoever in the matter until called on this investigation. About a year or more ago, while in Washington, I met certain officers of the Department of Justice. Knowing that the matter had been turned over to them, and being naturally interested, I inquired how they had found things. If they had verified our work and found it to be correct. Their answer was "yes," that they thought it was invariably found to stand up and be correct. Now, further than that, I know nothing. I don't know what else they have had to base their work on, but presume they have made further investigation themselves.

Mr. GRAHAM. Is there anything further, Mr. Beaulieu?

Mr. BURCH. Mr. Linnen, one of your answers suggested a question to me that I think would be highly pertinent to this committee and strictly within its jurisdiction. You mentioned the work of the removal of the Mille Lac Indians, or attempted removal, and the result. Did you know in that connection, or learn of one Hall, an Indian agent, of the Indian reservation, or his removal of these Mille Lac Indians?

The WITNESS. I did.

Q. Did you meet him?—A. I did.

Q. Can you state to this committee how many of those Mille Lac Indians, if you learned or were informed, were ever moved there from Mille Lac. In the first place, where is Mille Lac?—A. Mille Lac is south and east of the White Earth Reservation.

Q. About how many miles?—A. I couldn't say, Judge Burch. Possibly 60 or 80 miles; possibly more.

Q. Do you know what the salary or pay of Mr. Hall, this removal commissioner, was?—A. I made inquiry and ascertained that it was $10 a day and expenses.

Q. Do you know how many families were removed?—A. No; I do not, Judge.

Q. Do you know how many years he was engaged in that work at $10 a day and expenses?—A. He was engaged a considerable number of years; I don't know how long.

Q. You didn't learn how many, but you say there were only four or five families left there.—A. Learn what?

Q. Four or five families left there at the time you were there?—A. That is my recollection of it, yes.

Q. I think perhaps the committee may desire to learn further about this matter, as I suppose—or do I understand that it is within the jurisdiction to inquire into it?

Mr. GRAHAM. Yes, indeed; there is no limit.

Mr. BURCH. I desire to say that I think this is a fruitful source of inquiry upon the part of the committee while they are here, and

while I have not given it particular attention heretofore it has not escaped my attention—my observation altogether—and I think a matter of so large an amount of money expended for such a purpose should be carefully inquired into by the committee.

Mr. GEORGE. How large a sum does it involve?

Mr. BURCH. I can only say that the compensation of the one officer, Mr. Hall, was $10 a day and expenses. I have heard that many years, or several years anyhow, were spent in the work of removing or attempted removal of these few Mille Lac Indians over to the White Earth Reservation. I just learn the result of 1909 of four or five families remaining there. How many there may be now I don't know. These matters have not escaped my attention. I am making inquiry now, and within the proper province of this committee I think it would be a proper inquiry.

Mr. GRAHAM. It undoubtedly is within the jurisdiction of the committee. The Chair's conception of the duties of this committee, or one of the conceptions of it is, that all the expenditures made in the past, within any reasonable limit, not so much as the Chair sees it, with a view to getting back improper expenditures, but the Chair feels that if every public officer realized that all his acts would be reviewed by such a committee as this, and any improper acts or improper expenditures were to be probed and exposed to the public view, the consciousness of that knowledge would hang over him always and make him more careful as to how he expended public moneys. No officer and no man likes to have his mistakes, or actions that are worse than mistakes, pointed out to the public, and the fear of exposure later might keep him from straying away from the true path. The Chair thinks that is a very proper field for the committee to inquire into, for the reason given and for others, and there is no limit in time, except that which is practical, as to the distance the committee may go back in its inquiries.

Mr. BURCH. That is the only question I desired to ask, Mr. Chairman.

Mr. GRAHAM. Mr. Linnen, who is Commissioner Hall spoken of?

The WITNESS. A gentleman by the name of Darwin A. Hall.

Q. Darwin S., isn't it?—A. Darwin S., I guess it is, a citizen of the State of Minnesota; was appointed by the Interior Department or by the President, I don't know which, as a commissioner for the purpose of removing the Mille Lac Indians to the White Earth Reservation, and the compensation, I believe, was fixed at $10 a day and expenses.

Mr. GRAHAM. Of course the records would show the time of his appointment, but do you remember the time he was appointed?

The WITNESS. No, I don't. I think he served at various times for various periods. In other words, his appointment might extend over a period of two or three years, and then there might be a period when he might not be employed, and then again he might be employed.

Mr. BURCH. Allow me to suggest, the witness as well as the chairman evidently are, as it might be called, beating in the dark. There was a Chippewa commission, so-called, consisting of three commissioners, afterwards I think possibly narrowed down to one, which had to do with the Nelson act, carrying out its terms. At one time I feel sure Mr. Hall was a member of that commission. But this latter employment is, as I understand it, entirely distinct and related merely to the work of the removal of the White Earth Indians to the

White Earth Reservation, or attempted removal. The witness, evidently not knowing these facts, has put his mind over the entire period covering Mr. Hall's service on the Chippewa commission, and his later service as a Mille Lac removal commissioner.

The WITNESS. That is very true. That is what I was doing.

At this time Hon. Page Morris, United States District Judge, of Duluth, Minn., entered the room, and, upon being recognized by the Chair, remarked:

Judge MORRIS. Mr. Chairman, I am the author of the so-called Morris bill, and I understand that some statements have been made here in reference to that bill. I am here to-day for the purpose of attending the funeral of Judge Lochren, and I am just in the midst of the trial of a jury case at my home in Duluth, and I thought possibly, if the committee desired it, I would make any statement in reference to that bill that might be desired this morning. I think I know all about that bill.

Mr. GRAHAM. Have you seen the published reports, Judge Morris, as to what has gone into our records?

Judge MORRIS. I saw that a statement had been made here that I had introduced a bill in Congress which had enabled the lumbermen to evade the laws of the State, in reference to lumbermen owning more than 5,000 acres of land. I have no idea to what law that could refer. I have no recollection of having been the author or introducer of any such law. I am responsible for the Morris Act, and in talking with Judge Burch this morning, he informs me that his idea was that that act had enabled the lumbermen to do that thing.

Mr. GRAHAM. The information you got does not quite accord with my recollection of the evidence. The statement in the record, I think, is that the Morris bill separated the timber from the fee——

Judge MORRIS. Yes.

Mr. GRAHAM. And so far as the timber was concerned, it wiped out the limitation, but the limitation as to the fee still remained as under the State law.

Judge MORRIS. So far as the limitation was concerned as to the timber, I have only to say in reference to that that my attention was never called to any such State law, and I had no idea it has had any such effect as that. I don't think that any man had who had anything to do with the passage of that law, the Secretary of the Interior or Mr. Van Derventer, who was then the Assistant Attorney General for the Department of the Interior, and conferred with the Secretary of the Interior in reference to the matter largely at that time. I don't think it was brought to the attention of anybody that the law might have any such effect. Indeed, I was utterly at a loss to know how any such effect could have been produced, and I don't know now.

Mr. GRAHAM. I could only give the impression the testimony made on me at the time, and it is distinct yet. Of course, we are all familiar with the rule that a growing tree is real estate.

Judge MORRIS. Yes.

Mr. GRAHAM. And that the growing trees on this land were a part of the real estate and went with the fee. That the State law limited the amount of land that any corporation might own to 5,000 acres, and, therefore, as a corollary, I think, limited the amount of timber which any company might own to 5,000 acres, because the timber and the fee went together.

Judge MORRIS. I think, Mr. Chairman, that I could explain to this committee exactly how the Morris law came to be passed.

Mr. GRAHAM. The committee will be pleased to have you make any statement you wish, and have it go into the record, at any time it is convenient to you.

Judge MORRIS. It would be preferable for me to make it now, because, as I told you, I shall be at the funeral this afternoon, and I shall return to my home to-night.

Mr. GRAHAM. Very well.

Judge MORRIS. Now, shall I sit or stand.

Mr. GRAHAM. Just as you please—sit, if you prefer.

Judge MORRIS. The Morris law, Mr. Chairman, was passed as an amendment to what was known as the Nelson law. I was elected to Congress in 1896. I found the Nelson law on the statute book. I found that all operations under it had been practically suspended, and the reason of that was that it was claimed and charged, as I understood it, that frauds had been perpetrated under it. Of course there was no anticipation of such frauds at the time the act was passed, but certain frauds had been perpetrated under it, and therefore an entire suspension of operations was had. Now, if I could get that law I would be glad. I think I can state it from memory. Now, generally speaking, the Nelson law was in the nature of an act which was a kind of an agreement or treaty with the Indians. It provided for the cession of certain large portions of their reservations up here in the northern part of the State, and in order that the Indians might be properly compensated for those ceded lands it was provided by the Nelson law that the lands should be divided into two sections: Pine lands or timber lands and agricultural lands. And the bill provided that in order to classify those lands an examiner should be sent upon the lands, and the lands should be examined as to whether they were valuable for pine timber. Those which were found to be valuable for pine timber—I am giving the general substance of the act—you will find the act here, January 14, 1889—those lands which were found to be valuable for pine timber were to be classified as timber or pine lands. Those not found to be valuable for pine timber were to be classified as agricultural lands, and they were to be thrown open to settlement under the homestead law and paid for by the homesteader at the rate of $1.25 per acre. Now, I hope I have made myself clear so far.

Now, pursuing that bill, a corps of men, perhaps more than one—I don't know how many——

Mr. BEAULIEU. There were three.

Judge MORRIS. I know that one corps, possibly two, had been appointed to make that estimate, and that they had made an estimate and some cutting had been done. As I understand it, some sales had been made under that law, and then complaints began to come in that those estimates were not only false but that they were fraudulent. That is my idea. That they were knowingly too low and had been made so. And then another charge was that the lumbermen had combined in bidding; that when the land was set up for sale at these various sales these lumbermen would go there and agree among themselves that one man should have this land and another should have that, and thus there were no fair bids and thus the poor Indian was caught going and coming. His land was sold

under an estimate that was too low to begin with, and then under open bids they were bid in without fair competitive bids. So that there was a low price and a low estimate. For instance, if the estimate on a piece of land showed a million feet and it cut 3,000,000 feet, the Indian got paid for only the million feet, because it was sold upon the estimate, upon the cruiser's estimate. And the poor Indian got pay for only 1,000,000 feet and if the lumberman cut from that piece of land 3,000,000 or 5,000,000 feet, the Indian only got pay for the 1,000,000 feet and lost the pay for the rest. That was the situation when I came in. My constituents up in the northern part of the State were anxious that that law should go on, that it should be carried out. The Nelson law. Why? In order that these agricultural lands might be settled upon and the country might be developed. Towns were growing up in that country; they wanted the settlers to come in, and they were after me, as a representative, to see if that couldn't be done. You are both Members of Congress and you understand this. Now there came the question. I looked the matter up and found this situation. I had known nothing, practically nothing, about the Indian situation until then. I had had nothing to do with it. Now I found that situation. How to avoid it was the question. I inquired around amongst men whom I thought knew about that sort of thing, and one friend of mine at Duluth, who knew about things of that sort, about bidding for pine land—I wanted to know how I could get around that combination for bids—and he suggested to me, "Why not make them sealed bids?" and said, "Let them make sealed bids; then they can not combine. Nobody will know what the other fellow will bid." "Well," I said, "They can get together and one man agrees to put in one sealed bid, and another another sealed bid, and so on." He said, "Oh, they won't do that." Well, at any rate, I thought that was the best thing that could be done. I knew of no other way. So I said "Very well, I think that is a good proposition."

Then, how to get around this method of selling the pine, a quantity of it, and somebody suggested—I don't know who it was—that that pine be sold on what we call the bank scale. I said, "What do you mean by 'bank scale'"? "Why, after the timber is cut and hauled to the water or railroad track, or wherever it is going to be delivered, if that timber is sold on a scale to be made right there, then every foot of timber that is cut will be paid for." That was a good idea; and I incorporated both of those provisions in a bill and introduced it into the House of Representatives.

Now, about that time there were some people who were anxious that that portion of the State—those Indian reservations—should be set aside as what they called a national park. Now, that seemed to me to be an absurd idea. In the first place, I didn't think it was the proper place for a national park, and I think if you gentlemen would go up there and look it over you would say so too.

Mr. GEORGE. You mean where the present reservation is?

Judge MORRIS. No; not the White Earth Reservation. These were the reservations around Leech Lake and up there. I don't think my bill has any effect whatever on the White Earth Indians. I don't recall that it has, unless those townships on the east side of the reservation might be construed to be within the provisions; but I think sub-

sequently they were considered not to be within its provisions. I am stating now, gentlemen—I have had no time to investigate this matter—I am stating all of this from memory, every bit of it. These people came on with the park idea, and I said, "These lands are not United States lands in the sense that other lands are United States lands; these lands are really held in trust by the Government for the Indians, and they belong to the Indians, and you can not make a park out of them without paying the Indians for the lands. Now, large portions of this land were covered with valuable pine timber and the other was covered with other kinds of timber, and I didn't believe then and I don't believe now that Congress would have made an appropriation to buy that great area of land there—I think some three or four hundred thousand acres of land—and pay for the land and the timber on it for the purpose of making a national park out of that land.

I did not believe it then and I don't believe it now. I thought it was an impracticable and utterly chimerical scheme, and told the gentlemen that I thought it was; that was my judgment about it. And after that came forward the forestry people and they wanted to make a forest reserve out of it. The same situation held in regard to making a forest reserve out of it. They could not make a forest reserve as they could any other portion of the public domain, for the reason that the land belonged to the Indians and must be paid for. Now, when I brought forward my bill, I did it without any reference to these people, but I soon found that all these people had made an impression upon this, that, and the other Member of Congress, and there would be great difficulty in doing anything with these reservatons; so I conferred with the forestry people, I conferred with the park people, I conferred with the Secretary of the Interior, I conferred with representatives of the Indians, I conferred with everybody that I could find who knew or had any right to know or had any interest in these lands, and the result of it was that after consultation with Mr. Pinchot, of the Forestry Department—I went there to see him about it—he stated to me that if they could have 5 per cent of the then standing pine on the portion of that reservation which they desired to have reserved for a forestry reserve, that he thought the land could be reforested. I said, "Do you think that would be satisfactory? Yes." Well, it was entirely satisfactory to me, that part of it. Now then, when we came to the rest of it, with the park people, they said there were some certain beauty spots up there which ought to be retained, particularly an island in Cass Lake, and a fringe of land around the edge of Cass Lake, and some other little spots, and that was incorporated in a bill. And then the bill stood. Two hundred thousand acres to be cut over, 5 per cent of the pine to be reserved—remember, that is five trees out of a hundred—5 per cent of the pine to be allowed to stand, and then, as suggested by Mr. Pinchot, the reforestation could not possibly take effect and could not possibly be successful if that land was permitted to be burned over. Now, I said, "How will that be prevented?" Why, he said, "If that is cut under such regulations as I can prescribe, I will guarantee that it won't be burned over." I said, "How about the cost?" "Well, the cost will not be enough to injure anybody." Very well, that was put into the bill. The sealed bid proposition was put into the bill, the "bank scale" proposition was put into the bill, and the bill with all those things and all of those

features, and thus it was passed in that shape. Now, that is the Morris Act. That is the reason for the Morris Act. Nobody ever dreamed of such a thing as evading a State law. My attention was never called to this State law. Indeed, I am afraid I didn't know there was such a law. I don't think I did. In fact, am quite sure I didn't. Nobody ever dreamed of evading that law. Now, how it evades that law, I don't know.

Now, as to the sale of the pine. What we wanted to do, and what I was striving with all my might to do, was to see that the Indian got pay for all the pine, if I could, that was cut, and got the best bid possible. Now, I think if you will examine the Morris law, that is, the law amending the Nelson Act, you will find that it first prescribes that this pine timber on these lands shall be sold upon sealed bids by sections. Now, what was the object of that? It was to give the small lumbermen a show. That is my idea of it. A man that could bid on a section might not have the backing to bid on 10 sections. A man might be able to buy one section who could not buy five, and if you threw the bids open to small and great lumbermen that much greater opportunity for a great price. The small lumbermen, men who only conducted their lumbering operations on a small scale, who might think they could make money by lumbering this section, that section, and the other section, they would bid accordingly, and it prevented furthermore these combinations, because the big lumbermen, as I understood it, would want to pick out an area here and an area there, and another one would say, let this be my area, and another one would say, let this be my area, and others stand off and let this point come up when you sold it by sections, and when you gave the opportunity to any bidder to come in, small or great, and sold it by sealed bids you had the opportunity then for everybody. Now, then, it was suggested if we did that, we would not get as good price for it as if we allowed it to be sold in larger groups. Well, what was the object then. First, let it be sold by the section; then if the Secretary of the Interior should think it wiser to do it, let it be sold in larger parcels not to exceed 10 sections, as I recall the bill, and if larger bids were gotten in that way take the bids, the object being to get the greatest price possible for the timber. Now, here is the "Morris Act," and here are the provisions in regard to that. Here is the amendment to section 5, that is the one I spoke of, and reads as follows:

That whenever and as often as the survey, examination, and lists of one hundred thousand acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of 5 per cent of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: *Provided*, That said pine timber shall be advertised for sale in Government sections or parts of sections, and shall be sold only by separate sealed bids for the pine timber on each section, and the Secretary of the Interior shall reserve the right to reject any or all of said bids: *Provided*, That the Secretary of the Interior may also receive bids in groups of not exceeding 10 sections in any one bid, which bids may be in addition to the separate bids by sections on the same lands. The parties bidding shall accompany each of said, etc.

Now, do you see the object of that? It was to throw the competition open to all classes of men who wanted to log, small or great—the small individual logger, the great lumber company—and to get as far as possible the highest price possible for the Indian. That was my object. I didn't care who bought the land. I was thinking about the Indians. I regarded them as people for whom I was the trustee. Now, you see something there about the standing or fallen timber. Great complaint had been made. Somewhere in some law a provision was made for the cutting of what was known as dead and down timber. In these pine sections sometimes there will be large quantities of timber that are dead or dying and some down, and unless cut worms will get into the fallen timber or it becomes deteriorated and ceases to be as valuable.

Mr. GRAHAM. And induces fires?

Judge MORRIS. And induces fires. I thank you for the suggestion. Now, under some law or by some regulation of somebody, they had been letting out the cutting of what was known as dead and down timber by bids, and that had led to scandal. Everything, it seems to me, in connection with this Indian business leads to scandal. I don't know why, but it does. Some frauds were claimed in regard to that. As I recollect, it was claimed that they not only would go in there and cut what was actually down but make little fires and enlarge the area that was spoiling in that way, and thus cut timber that was about half way between alive and dead—injured at the roots by fire. That sort of thing was being charged. I put in there that they should pay for every stick of timber when they bought it on that land, whether the same was standing or fallen, green or dead. In other words, when a lumberman took a log to the bank of a stream and thought enough of it to drive it down the stream and put it into the sawmill, he had to pay for it.

That was the object of that bill. And the object of it was, as near as possible, to have these bids made and sell all the pine that there was there, and then, if reforestration under the 5 per cent reserve could be accomplished, turn it over to the Forestry Department and let it be reforestried. And that was Mr. Pinchot's idea, and you will find in that bill that regulation would be made by the Secretary of the Interior, under which that pine was to be cut, it being always understood between Mr. Hitchcock and me that that should be done under the supervision of the Forestry Department. I had conferences back and forth with Mr. Hitchcock and Mr. Pinchot, and that bill was the result of those conferences, all designed to take care of these Indians. I never once thought of the State law about 5,000 acres of land. Now, how they evade it I don't know. Possibly, by taking the deeds in somebody else's name or the contracts in somebody else's name; but under the Nelson law they could do that, as I understand it, if they bought pine and land together. But, to prevent, under the Nelson law, a man bidding on a tract of land, for timber and pine, and timber and land, and all, having the deed put in somebody else's name, I don't know any reason, but I say to you, gentlemen, frankly and candidly, that when I read that about the 5,000 acres of land in the paper day before yesterday, or whenever it was I read it, was the first time I ever dreamed that any such law existed, as far as I knew it, certainly in connection with this business. That is the truth of the

matter. And you may well understand that a man in my position may be a little restless—may be a little restless when such a thing as that comes up. I don't know that anybody in the State of Minnesota who knows me, would believe any such thing. But some people might at least believe that I had been in collusion with the lumbermen. The Morris bill may have been a compromise with the forestry people, and it may have been a compromise with the park people; but there was one set of people that the Morris bill was no compromise with, and that was the lumber people. Under no circumstances, Mr. Lumberman, can you, if I can prevent it, defraud these Indians out of one foot of their pine. That was the object of the Morris bill—the sealed bid and the bank scale.

Now, something was said this morning by my friend Judge Burch that there was some interview with Mr. Hitchcock in which he insisted on the sealed bid and the bank scale being embodied in the bill, or being retained in the bill, I don't know which. That is absolutely the fact. Mr. Hitchcock did insist that the bank scale and the sealed bid should be retained in the bill. It was understood between him and me that it should be, but I was the man that suggested both propositions. Both; and he at once said, "Why, there is the way that we can probably prevent these frauds." The primary object was to prevent frauds by the lumbermen. Now, that is all I have to say about that bill. Unfortunately, gentlemen, I never can even charge a jury without being a little emphatic. I don't know whether it was my former raising, or bringing up, or not; but that is the way it is. I hope I have made that bill plain. I have had many difficulties about that bill. That I had some difficulties you can well see, with the Forestry people, park people, and lumber people. I could compromise, without any kind of danger of doing any wrong to anybody, with the other two because those lands belonged to the Indians, no matter whether they were park or forest reserve or what, they belonged to the Indians. I could compromise on that; I could reserve those out. I could do that, but when it came to the lumbermen, there was no compromise. If you want the land, pay for it. That was the proposition. I thank you, gentlemen.

Mr. BURCH. Before you leave, Judge Morris, I will be very glad if you will remain a moment while I address the committee. I am here for the purpose of aiding this committee in an investigation of all matters relating to the White Earth Indian Reservation and collateral thereto. I am responsible for the only thing upon this record which alludes to or calls attention to the Morris law. It is perhaps a misfortune that congressional acts are named after the Representative or Senator who introduces those acts. I understand exactly now from Judge Morris that he assumes and is proud of the name of the Morris Act as applied to this bill; and I desire this committee to understand, and all people, as he does, my position in this matter; namely, that there was a law which we found upon the statute books of Minnesota and which we were informed was substantially evaded by a provision in the Morris law. Whether intentional, or not intentional, was not stated. We examined that law. We examined the Morris Act in connection with it and had the opinion that under the terms of the Morris Act it was possible for men without obtaining the fee in the land—lumbermen—to obtain any quantity of land which they might have struck off to them with bids or otherwise, a part of the real

estate as the chairman had mentioned, notwithstanding this law of the State of Minnesota provided against the holding by any corporation of more than 5,000 acres of land. It called for an investigation. I hold in my hand, and call the attention of Judge Morris to it, a pamphlet, the title of which I will read:

Conference between the Secretary of the Interior and the members of the Minnesota delegation in Congress to ascertain a better method for the sale and disposal of the pine timber on Indian reservations in that State, January 19 and 23, 1901. Washington, Government Printing Office, 1901.

I have partially read as well as I could, and it appears from it, so nearly as I can find, that Secretary Hitchcock stated, in some manner, that he did not propose to sell any more pine timber after the Crookston sale, which Judge Morris has alluded to, unless he could sell it under sealed bids and by bank scale, or something to that effect. That the Minnesota delegation, or a portion of it, of which Judge Morris appears from this to have been one, Francis Marion Eddy, a Member of Congress from another district, embracing these White Earth lands, was another, the Commissioner of the General Land Office, and others, who were present—they are stated here—appeared there. Mr. Eddy, for a while, acted as chief spokesman for the delegation, or at least largely so, and suggested this one particular matter to which I refer. It was considered and stated—now I shall not attempt to comment upon it further, except this——

Judge MORRIS. Does the record show that I was present?

Mr. BURCH. Yes, sir; it certainly does, and that you took a very active part in it. Every word of it is there. This matter that you speak of, two of these matters of which you speak appear to have emanated from Secretary Hitchcock and one of them to have emanated from Francis Marion Eddy, then a Member of Congress. According to this conference, the bill, I should judge from the latter part of it—I have only hastily glanced it over—was to be drawn by you and seems to have been. This pamphlet I shall offer to the committee for their consideration, and I offer it first for yours.

Judge MORRIS. Well, I haven't seen the pamphlet, gentlemen, and Judge Burch states there was no mention of such a law at that time.

Mr. BURCH. Oh, no; not the Minnesota law—no mention of the Minnesota law.

Judge MORRIS. That is what I said.

Mr. BURCH. I say that the provision that does seem to vitiate the Minnesota law was mentioned by Mr. Eddy—that is, in the consideration of what should go into this bill which you term the "Morris" Act. They were considering; you were considering——

Judge MORRIS. Did anybody suggest that the State law should be evaded?

Mr. BURCH. No; not that I know of. They would not be likely to do that. If they had such designs, they would not be likely to do that. There was no such suggestion. Nobody said it would possibly violate a law of the State of Minnesota, and I presume you were as just stated——

Judge MORRIS. That is exactly what I was saying.

Mr. BURCH. The point I make, however, is that it does have that effect, and somebody might have been deceived. You, perhaps, might have been deceived from that very fact; but it is in there, nevertheless.

Judge MORRIS. All I have to say about that, gentlemen, now, is that if it has any such effect, which I don't now know about—I can not say whether it has such an effect or not—I haven't examined that State law, you understand. All I can say is that I never remember that it was ever suggested at any conference at which I was present either with the Secretary of the Interior or with any other person, that any State law might be evaded. I don't remember that when I was present anywhere any mention was ever made of any such State law. Now, I say that I don't now remember, and I think my memory is pretty good. And as to this, this conference was held after I had had many talks with the Secretary of the Interior, I suppose, because the Secretary of the Interior got the sealed-bid idea from me, and I got it from a gentleman friend of mine in Duluth. I don't claim any originality about that either, and I got the bank-scale idea from some other man who knew about it. I suggested both of them to the Secretary of the Interior.

Mr. BURCH. They appear, Judge Morris—I want to call your attention to this—they appear there to have been suggested by somebody as coming from the Menomonie plan that had been previously used in Wisconsin.

Judge MORRIS. Possibly so; I don't know. I know that the idea of sealed bids was suggested to me by a friend of mine in Duluth, and who this other idea of the bank scale I don't know; but I do know that I am the author of both of those things in that bill, and I know the purpose for which it was put in that bill, and I know I had repeated conferences with Secretary Hitchcock; and I know, further, that it was suggested to me to strike out the sealed-bid proposition and that Mr. Hitchcock stood with me and I stood with him, holding that it should never go out. I have some pride in the estimate that Secretary Hitchcock had for my idea, some pride in that; and the only way he ever got acquainted with me was through that bill.

Mr. BURCH. I have this to say still further. I absolutely and totally decline and challenge the statement, and challenge the record to that effect, that I have called at any time the bona fides of Judge Morris, in the passage of that bill, into question—before this committee or elsewhere—that I have done so by inference or otherwise. The bill bore his name. That is the only way in which he could be brought into it. I now absolve Judge Morris from this particular feature of the bill, which seems by that conference to have been proposed by one Francis Marion Eddy, a representative here.

Judge MORRIS. What is the feature that you think was proposed by Mr. Eddy? I don't quite understand what the feature is.

Mr. BURCH. Well, that whole subject is under consideration.

Mr. GRAHAM. The substance is, as the committee understands it, that it in effect declares that growing trees are not real estate.

Judge MORRIS. I don't remember knowing about that.

Mr. GRAHAM. That is the root of the whole trouble.

Mr. BURCH. I absolve Judge Morris from that. Apparently that feature was proposed, as appears from this conference, by Mr. Eddy, but it went into the bill; it was passed as a part of the act. Whether Judge Morris introduced it or not, in taking charge, in framing the act and putting it through, that is entirely another question. He never was mentioned, I say, in connection with this committee, except that the act bore his name.

Judge MORRIS. The act bore my name and I am entirely responsible for it.

Mr. BURCH. Well, Mr. Eddy seems in this conference to have proposed—the conference is here; take the report of it.

Judge MORRIS. I haven't read this. I wish I could.

Mr. BURCH. You may take it and appear again before the committee and take any action you choose. I shall offer that to this committee as a part of the showing of this committee.

Judge MORRIS. Why, gentlemen, I haven't appeared here—I didn't have any idea that I had appeared to be here—with a desire to receive absolution from anybody. I hope you will disabuse your minds of that right away. I am not here to be absolved by anybody. I am here to stand on my own public record. I am proud of my public record and I think my constituents are proud of my public record. I have no apologies to make and I need no absolution.

Mr. BURCH. Neither do I. Neither have I any apologies to make.

Judge MORRIS. That is the way I feel about it. Now, I haven't said that Judge Burch has charged me with anything, but I do say that somebody might suppose, from the statement, that I had introduced a bill which enabled the lumbermen to evade the State law; that I had been engaged in the business of helping somebody to evade the law. I am here simply to explain to this committee how that bill was passed. Now, I don't remember the exact details of this conference, but I know that I am responsible, and I stand here responsible. I don't want to avoid any public responsibility. I am responsible for every line of the Morris bill. It was made after repeated conferences with the Forestry Department, with the Secretary of the Interior, with the members of the delegation, with anybody that could give me any information that would help, as I thought, in making a fair and just bill, and provides that the land shall be sold by section and small parcels first, and larger parcels afterwards. If that law enabled the lumbermen to evade the State law, I never had any suggestion of it before, that I know of. Now I may be mistaken about that, but I don't remember ever having had any suggestion of it; never. You have only this one copy?

Mr. BURCH. I have but that one copy; I am sorry.

(Tuesday a. m., January 30, 11.30.)

HENRY BIRKETT, sworn by Mr. Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. What is your name, please?—A. Henry Birkett.

Q. Where do you live, Mr. Birkett?—A. At Mahnomen, Minn.

Q. How far is that from Minneapolis?—A. 250 miles northwest.

Q. How long have you lived there?—A. I think I went there first in the summer of 1905, which was the time the "Soo" road was building through there, before the track was laid quite to Mahnomen.

Q. Where did you live prior to that?—A. Austin, Minn.

Q. What is your present occupation?—A. Banking.

Q. How long have you been in the banking business?—A. Well, I was connected with the Austin National Bank for a time, but—lately, since I went to the Reservation.

Q. What I meant was, how much of your life you had spent in the banking business anywhere. Has it been your life work?—A. Ten or 12 years.

Q. What is the name of the bank with which you are at present connected?—A. First National Bank of Mahnomen.

Q. In what capacity are you connected with it?—A. I am president of the bank.

Q. And have been for how long?—A. Since it was organized.

Q. Have you any other business interests than the banking interest?—A. No, not specially.

Examined by Mr. Burch:

Q. When did you go to Mahnomen?—A. I think it was the summer of 1905, if I remember correctly. It was when the "Soo" road was building through there.

Q. Was it then in Norman or Mahnomen County?—A. Norman.

Q. When was Mahnomen County organized?—A. Well, this would be as near as I can recollect, I think in about two years after I went there.

Q. After that?—A. Yes, sir.

Q. About 1907?—A. Well, I would think so, still I am not positive. No; it must have been 1906, because the elections would come in the even years.

Q. In the year of 1906. They had been organized so they had an election, you think?—A. I am not sure about it. I think it was 1906.

Q. How much white population did it have in the 16 townships then, if you know?—A. Not absolutely; no, sir.

Q. Approximately, if you know?—A. Well, I couldn't state.

Q. Have you any sort of idea?—A. Why, there might be 2,000, there might be 3,000; I sould say between 1,500 and 3,000.

Q. At that time or now?—A. At that time. Possibly I am too large.

Q. How many Indian population did it have then?—A. On the reservation or in the county?

Q. In the county.—A. Well, I think there was possibly twice as many Indians as there was white, perhaps more.

Q. When the election occurred, were any Indians, that is mixed bloods, elected to county offices?—A. Yes, sir.

Q. How many?—A. John W. Carl was elected county auditor and Fairbanks, of Beaulieu, Selim Fairbanks, was elected county commissioner, one of the commissioners.

Q. Is that all?—A. I don't know of any others. There might have been.

Q. At the elections since that time, have any been elected?—A. Yes.

Q. How many?—A. The present county board have one member.

Q. What is the county board?—A. County commissioners.

Q. You are governed by commissioners instead of township supervisors?—A. No, sir; but in Minnesota all counties have a board of county commissioners.

Q. How many does it consist of?—A. Five.

Q. And one of them was a mixed blood?—A. Yes, sir.

Q. What other office was filled by mixed bloods?—A. The clerk of the courts.

Q. Did he have much Indian blood?—A. Yes; I should think pretty near half breed.

Q. And what was his name?—A. Bowman.

Q. Well in the subsequent elections, still have any Indians or mixed bloods been elected?—A. Bowman is still clerk of the court at the present time.

Q. Have you ever known of a pure-blood Indian—that is, a full-blood Indian as they call it, being elected to a county office there?—A. I think not. sir.

Q. There are a great many of them in Mahnomen County, are there not—supposed to be?—A. Well, they are not——

Q. From your point of view—perhaps we would better waive that—perhaps you would not think there are any pure bloods up there, would you?—A. I think there are very few indeed.

Q. Now, at the time you were there—in 1905, you say?—A. I think so.

Q. You were very much desirous of having the reservation thrown open to sale and settlement, were you not?—A. I think we all were.

Q. Among others, you sought means of bringing that purpose about, did you not? You took an active part in bringing legislation about of that nature?—A. Not any more than others, I think.

Q. No; but they all did take active part, didn't they?—A. Yes, sir.

Q. I mean the white residents of Mahnomen County—A. Well, I think the mixed bloods were fully as active; the Indians were fully as active as the whites, I think.

Q. Yes. Did you have public meetings for that purpose?—A. Yes; I think there were some. I would not be sure.

Q. Did you take part in those?—A. I think most likely I did. I don't remember now, but I think I did.

Q. In the fall of 1905 were you elected or appointed a delegate to go to Washington for that purpose?—A. Not in the fall, I think.

Q. When? State when.—A. I think it was along somewhere in January, I think.

Q. That would be January of 1906?—A. I think so.

Q. Was that at a public meeting?—A. I think that was done through the commercial club, I think. There might have been a public meeting.

Q. The commercial club of Mahnomen?—A. Yes, sir; and possibly with the other commercial clubs.

Q. The Commercial Club of Mahnomen is devised for the advancement—a club devoted to the progress of that town and region, is it not?—A. Yes; the same as commercial clubs usually are, I think.

Q. What is the population of Mahnomen; what was it at that time?—A. Well, really I don't know. It would be guesswork—three to five hundred, I should think.

Q. Can you tell about what the membership of the Commercial Club at Mahnomen at that time was?—A. No; but I think at that time every business man in town was a member.

Q. They still are, are they not?—A. They don't take—I don't think there is quite as much interest as at first.

Q. Well, it had twenty or twenty-five members at that time?—A. More than that.

Q. Were funds raised to defray your expenses as a delegate to Washington?—A. Yes; there were.

Q. To what extent?—A. That I couldn't tell you.

Q. Why not?—A. I don't know.

Q. Well, were funds turned over to you for that purpose?—A. Yes, sir.

Q. Well, then, to what extent?—A. I couldn't say exactly. They were turned over at different times.

Q. Well, approximately?—A. It might have been in the neighborhood of $1,000. This is entirely guesswork.

Q. Didn't it reach $3,000?—A. No, sir; no, sir.

Q. It didn't reach $2,000?—A. No, sir; I am quite sure it did not.

Q. I mean, now, in the first instance, and later on when you were through; altogether it aggregated, you think, no more than $1,000?—A. I couldn't say. I think $1,000 would be nearer than anything else I can say just now.

Q. What preparations other than that did you make for going to Washington; that is, in seeing people around the country?—A. None that I know of now. I had been at Crookston previous to that with the committee sent to interview our Congressman.

Q. Steenerson?—A. Yes.

Q. Well, did you see individuals, or attempt to see individuals in the State, or at Mahnomen either, on the subject matter of your visit?—A. I don't remember now.

Q. Did you attempt to?—A. I don't remember that I did.

Q. [Handing witness paper.] Is that your signature [marked Exhibit 47]?—A. It looks like it, yes, sir.

Q. Did you sign that?—A. I think so.

Q. In this connection I will file, or read into the record the—perhaps both—the following letter:

BURCH'S EXHIBIT NO. 47.

MAHNOMEN STATE BANK,
Mahnomen, Minn., February 1, 1906.

Mr. SIMON MICHELET,
White Earth, Minn.

DEAR SIR: Kindly let me know when I can arrange a meeting with you to talk over the advisability of going to Washington to try to secure the passage of legislation giving the mixed bloods their deeds. You can fix any day that you will be at leisure, so that we can have an extended talk.

Thanking you for an early reply, I am,

Yours, very truly, HENRY BIRKETT.

Q. Did you see Simon Michelet?—A. I have no recollection. I have no recollection.

Q. You have heard me read that letter. You don't know whether you saw him or not?—A. I do not. I have no recollection of that letter. Still, that is my signature to it. I am very sure I didn't write it.

Q. You signed it?—A. I have not a doubt that is my signature. Yes, sir.

Q. Did you seek an interview with Mr. Michelet?—A. I have no recollection whatever of seeking an interview with Mr. Michelet, still I may have.

Q. You may have?—A. I may have.

Q. Is your recollection pretty good, Mr. Birkett?—A. In some things; it is; yes, sir.

Q. Well, can you tell me, then, what you did with the thousand dollars that was raised to send you to Washington? Please tell me in detail what you did with that thousand dollars?—A. I can not tell you in detail.

Q. Did you pay any of it to anybody?—A. No, sir.

Q. I mean outside of the mere expenses?—A. No; not outside of the expenses that was incurred down there.

Q. When I speak of expenses, Mr. Birkett, I mean legitimate expenses, such as hotel bills, traveling, laundry, and things like that that a gentleman would have going upon such a mission. Outside of that, did you pay any money to anybody in Washington?—A. Yes; I did.

Q. To whom?—A. I paid part of the expenses——

Q. No, not about the expenses. I am not speaking of expenses.—A. No, sir; I have no recollection of paying anybody anything except my expenses and part of another man's expenses.

Q. Who was the other man?—A. Col. Bernard.

Q. He is the man Bernard who edited the Cass Lake Voice at one time, and he held some position in Washington, didn't he?—A. I don't think he had. I didn't know he had.

Q. Where did you stay in Washington?—A. I stayed at the National Hotel.

Q. What was his business there, ostensibly?—A. I couldn't say.

Q. Anything about the Capitol? Did he have any position apparently about the Capitol?—A. I don't think he did. I think he was down there in the interest of the forest reserve or—no, for swamp lands or something of that kind, but I don't know.

Mr. GRAHAM. Why were his expenses paid out of the Indian funds?

The WITNESS. What expenses?

Mr. GRAHAM. This gentleman you mention, Col. Bernard?

The WITNESS. That wasn't paid out of the Indian fund. This was a fund raised by the Commercial Club that sent me down there—the business men.

Mr. GRAHAM. Oh, I misunderstood.

Mr. BURCH. Not out of the Indian funds. No, he is not an officer at all.

Mr. GRAHAM. I am glad I asked, because I misunderstood.

Mr. BURCH:

Q. Now, Mr. Birkett, how much of this money went for your expenses and how much for Bernard?—A. Well, I couldn't tell exactly, Mr. Burch.

Q. Now, in fact, didn't you pay the most of your money, outside of your bare expenses, to Bernard for use among other people, to your knowledge?—A. No, sir.

Q. How much did you pay him?—A. Pay whom?

Q. Bernard?—A. I should think probably in the neighborhood of two or three hundred dollars. This is guesswork.

Q. What did he do for it?—A. Well, I was not acquainted in Washington; for one thing, he introduced me to parties. I was acquainted with the Member from Minnesota, but not outside of that.

Q. What parties did he introduce you to?—A. Congressmen and Senators.

Q. You paid him, then, for introductions?—A. No, sir. He was simply there and could be of service to me in getting acquainted with those people.

Q. Can you remember the names of any of them?—A. No, of the——

Q. Members of Congress that he knew?—A. I think he knew—I knew the Member of Congress from the first district because I had lived there.

Q. Oh; it was Minnesota Congressmen?—A. Minnesota Congressmen. I think I was only acquainted with two of our Minnesota Congressmen.

Q. It was not for Congressmen, generally?—A. No, not generally.

Q. Now, as a matter of fact, was not this man Bernard a professional lobbyist in Washington?—A. I don't know. I never met the man until I got there, and never knew anything of him.

Q. Never heard anything of him since?—A. Well, nothing specially.

Q. Where did you meet him?—A. I think I met him in Senator Clapp's office.

Q. Who introduced you to him?—A. I couldn't tell you that. It may have been the secretary, or it may have been Senator Clapp.

Q. Who was the secretary?—A. Mr. Richardson.

Q. Of Senator Clapp?—A. Yes, sir.

Q. The same one who was afterwards attorney here?—A. He was an attorney afterwards.

Q. For the Chippewa Indians? Was there one Fred Johnson there at that time?—A. A newspaper man?

Q. Yes.—A. Yes, sir.

Q. In that office?—A. No; I think he had an office down town.

Q. Well, now, did you have reason to call for more funds after you got there, from your people back at home?—A. No, sir.

Q. Did you send telegrams for more funds, and speak of people being hungry, in the telegrams, down there?—A. I couldn't say that I did.

Q. You are sure?—A. No, sir; I am not sure, but I don't remember.

Q. You are not sure?—A. I can not remember.

Q. You simply don't remember?—A. No; I don't.

Q. You don't remember sending telegrams saying these people are hungry, and I must have some funds?—A. No, sir.

Q. To anybody in Mahnomen?—A. No, sir.

Q. Now, what is your best recollection as to whether you paid any money for influence or legislation?—A. No, sir.

Q. You say you did not?—A. I did not. I have no recollection whatever.

Q. Whose idea was it to have these mixed bloods emancipated?—A. A general idea, I think, on the reservation.

Q. You don't claim any originality for that?—A. Not any more than anybody else.

Q. Did you meet Gus Beaulieu down there that winter?—A. Yes, sir.

Q. Was Mr. Thomas Shevlin there?—A. I didn't see him.

Q. You didn't see him?—A. No, sir.

Q. And you had no conference?—A. No, sir.

Q. Did you meet with Mr. Beaulieu and others in the consideration of what legislation should be had?—A. Yes, sir.

Q. Where?—A. It may have been at the hotel. I think it was probably, though, in Senator Clapp's office.

Q. Who was present?—A. I couldn't say.

Q. Search your recollection now, Mr. Birkett, see if you can not say. Try and recollect.—A. My best recollection would be that there was nobody present except, perhaps, the Senator and his office force, and Mr. Beaulieu and myself. Still there may have been others there. It was not secret.

Q. Mr. Fairbanks there?—A. Ben?

Q. Yes.—A. I never met him there that I know of. He may have been there; I don't remember.

Q. Did Mr. Beaulieu have a plan for permitting the Indians to sell their timber or lands; did he have a plan or propose a plan of legislation?—A. Well, there was a great many different plans proposed.

Q. Did he?—A. I could not say that he did.

Q. Why can't you say?—A. I don't know. I never heard of it.

Q. You didn't hear of it?—A. No, sir.

Q. That is good. That is satisfactory. You don't know, then, about his suggesting a plan for a commission to be authorized by law and to pass upon the competency or incompetency of the Indians?—A. I never heard of that at that time.

Q. Did you propose this adult mixed-blood plan?—A. I think the original plan was to remove all restrictions.

Q. Who proposed that?

Mr. GRAHAM. Full bloods and mixed bloods?

Q. I am only giving his answer: "I think the original plan was to remove all restrictions."

Mr. GRAHAM. Develop the answer, if you please.

Q. Do you mean by that, all Indians on the reservation?—A. All the Indians on the White Earth Reservation.

Q. Men, women, and children?—A. Well, no. Well, I guess children was to be put on the same basis as white men. That was the first thing, so that the State law would take care of that, place the Indians, mixed and full bloods, in the same position as white people. I think that was the substance of it.

Q. Who proposed that plan?—A. Well, it was the idea of a number of people before I left Mahnomen; that was what we wanted. I can not say positively who proposed it. I was favorable to it.

Q. You were their only representative?—A. Well, the matter was talked over before I left Mahnomen.

Q. Well, then, you must have proposed it down there?—A. I think I did down there.

Q. You afterwards receded upon the principle that part of a loaf was better than no loaf at all?—A. Well, it was not my wish that it should go that way.

Q. Which way?—A. The way it did.

Q. You wanted them all emancipated?—A. Yes, sir.

Q. Yes. Then this plan was a plan that you proposed, that all should be emancipated?—A. I don't know that I was the original proposer of it. I favored it.

Q. I mean proposed it there?—A. I could not say as to that.

Q. Why?—A. Well, I don't know. There was so much talk about these things it would be hard for me to say I proposed it there.

Q. Who proposed this amended plan of the mixed bloods, adult mixed bloods?—A. I think that came from the department, the Indian Department.

Q. From whom?—A. Well, it came to me that the Indian Department would not oppose it; would not oppose this bill.

Q. Would not oppose this bill?—A. Allowing the adult mixed bloods to sell.

Q. Were you present there when a letter from Representative Steenerson—Who is J. E. Beum? Do you know him?—A. J. E. Beum was a lawyer, practicing law in Mahnomen.

Q. Were you present the other day when there was read into the record a letter from Representative Steenerson to J. E. Beum?—A. No, sir.

Q. Well, if that letter stated that the Indian Department and the Secretary of the Interior were opposed to the matter, as you state, the statement in that letter would be untrue, would it?—A. Well, I couldn't say it was untrue, because I did not talk with the Commissioner of Indian Affairs.

Q. Nor the Secretary?—A. Nor the Secretary at that time.

Q. But you say it did come to you up there that if it was confined to the adult mixed bloods, they would not oppose it—the Indian Bureau?—A. In Washington?

Q. Yes.—A. Yes, sir. That was the idea that was generally prevalent there.

Q. Where? In Senator Clapp's office, or around the Capitol, or everywhere?—A. In Senator Clapp's office; I may have said so to Mr. Steenerson; I don't know.

Q. Now, I want to ask a little more about Col. Bernard. He is dead, isn't he?—A. I think so; yes.

Q. Was he a convivial person?—A. Very.

Q. Very?—A. Yes.

Q. Did you employ him on that account?—A. Why——

Q. I assume that you are not one; you are not a convivial person; you don't drink?—A. Not particularly.

Q. Did you employ him because he was a good mixer, a convivial sort of person?—A. Why, I presume that might be the reason.

Q. Did he ever tell you that he wanted any of this money for anybody else?—A. No, sir.

Q. Now, when I say this "anybody else," I don't mean anybody about Senator Clapp's office, but I mean outside; absolutely outside.—A. No, sir; I don't think he ever did.

Q. Did he ever tell you that it was a custom to make use of money in any of these affairs?—A. No, sir.

Q. Never did that?—A. No, sir; I have no recollection of it.

Q. What did you do with the other $700 or more, or thereabouts?—A. Well, I don't know that it was just that amount; but as near as I can remember——

Q. What did you do with it?—A. Well, I made two trips to Washington; and I was there, I was away from home in the vicinity of three months.

Q. Well, that was reasonable, then. I don't see any fault to find with that. Have you been engaged in banking all this time that you been in Mahnomen?—A. Yes, sir.

Q. Have you dealt in mortgages or purchases by deed of these reservation lands?—A. To a very limited extent in purchasing land. I think my cashier or myself have bought two 80-acre tracts.

Q. What about the loaning or mortgage proposition?—A. That is our business; we loan.

Q. How many loans have you made in the aggregate on Indian lands, to the Indians?—A. Oh, a good many.

Q. Can you give approximately any idea about that?—A. I have no idea.

Q. What rate of interest did you charge?—A. Ten per cent.

Q. Did you loan them from parties or from the bank?—A. Well, now, I think that we loaned entirely. I would not be positive about this. We sold some of the mortgages; I think we did; I think I made a few loans for other parties, possibly not in their names.

Mr. GRAHAM. What was the maximum rate allowed by law in this State?

The WITNESS. Ten per cent.

Mr. GRAHAM. And what is the lawful rate?

The WITNESS. Six per cent. That is the legal rate where there is no consideration.

Mr. GRAHAM. Where no interest is named?

The WITNESS. Six per cent.

Mr. GRAHAM. But not to exceed 10 per cent?

The WITNESS. Not to exceed 10 per cent.

Q. Was this a national bank?—A. It is now.

Q. It was not then?—A. I think not.

Q. So that the bank as a bank could loan?—A. Yes, sir.

Q. Are your banks under the Minnesota State law, other than savings banks, allowed to loan money on real estate?—A. I think so. The examiner never made any objections.

Q. He knew of it?—A. Certainly.

Q. And made no objections?—A. The national bank law to-day—we have five calls, at least five calls a year, at the present time, from the Comptroller of Currency, and we attach a sheet to that showing the name, the time the paper was taken, the amount, and the valuation, besides two examinations.

Q. You mean of the individual?—A. The individual we loan to; yes, sir.

Q. But you don't loan money on real estate and report it to the Comptroller of Currency?—A. Yes, sir; we do.

Q. What?—A. Yes, sir.

Q. You report it as loans, do you?—A. Yes, sir; that is something I am doing right up to date, so I know all about that.

Q. Were you doing this business for others or for yourself?—A. Very largely for myself.

Q. For yourself, personally, or for the bank?—A. Well, the bank virtually belongs to the family.

Q. It is a close corporation?—A. Not entirely.

Q. Well, no matter about that. I don't care about that. Now, there was no commission outside of the regular loan?—A. No, sir.

Q. Did you have any way of obtaining anything more than the regular 10 per cent?—A. We have at times. We charge a man for making out the papers.

Q. How much?—A. Never to exceed in any case $10. I had to employ a cashier——

Q. Well, never mind that. That is a sufficient answer; did you charge outside of that any commission for making the loans?—A. No, sir.

Q. Never?—A. I don't remember of a case—excuse me. If I did, it was at a lower rate of interest, and for an outsider, but I have no recollection of any case now.

Q. Just a straight 10 per cent mortgage, eh?—A. Yes, sir.

Q. Payable semiannually?—A. Some of them, and some of them annually.

Q. In gold?—A. Yes, sir.

Q. Gold coin?—A. Yes, sir.

Q. Why?—A. Well, I don't know. It was a matter of form that banks used here, that is all, some of the banks.

Q. You have not a lack of confidence in the paper currency of the United States, have you?—A. No, sir.

Q. You have perfect confidence in it?—A. Yes, sir.

Q. Why, then, did you make the payments in gold?—A. Well, I think, when I was connected with the Austin National Bank that that is the way the notes read and that was at the time the silver question was up, and possibly I had that inserted at that time. I don't know of any other reason.

Q. In loaning money to Indians, did you ever give them anything other than cash?—A. Never.

Q. Ever give them any orders on stores?—A. I have no recollection of giving an order.

Q. Will you say that you have never given an order?—A. I would not.

Q. You would not say that?—A. No, sir.

Q. Then you may have? If it was brought to your attention, you might find that you had given orders to Indians on stores?—A. I don't think I ever did.

Q. Are you interested in any stores?—A. No, sir.

Q. What other bank is there in Mahnomen?—A. At the present time there is the Security State Bank. At that time there was a First State Bank.

Q. Was that presided over by a man whose name was Aamoth?—A. He was the cashier; yes, sir; but not at the time I first went there. A man by the name of Campbell was cashier.

Q. Do you know of their doing business in dealing with mortgages with the Indians?—A. Why, I knew it in a general way; yes, sir.

Q. Did you know of their giving orders on stores?—A. I think they did.

Q. You think they did?—A. Yes, sir.

Q. Stores they were interested in?—A. I don't think they were.

Q. Merely friendly, or did they get a commission on them, as you understood?—A. Well, that I couldn't say. I can say for myself I never got a commission; never had a commission offered me and never took one.

Q. Never had any offered you?—A. Yes; I think possibly I had a commission offered to me, but I never took any.

Q. Then the storekeepers you think did offer you commissions?—A. Yes; I think so.

Q. Who kept those stores? Who offered you a commission?—A. Well, I wouldn't say that I ever was offered a commission absolutely, because we would not consider it for a minute anyhow.

Q. No?—A. We couldn't do it if we wanted to, because the business was divided there and there was four general stores.

Q. All depositors of yours?—A. No, sir; they were divided.

Noon recess.

AFTERNOON SESSION.

HENRY BIRKETT recalled.

Examination by Mr. BURCH:

Q. Since the noon recess, do you now recall any conference with Agent Michelet?—A. No, sir.

Q. Do you recall writing a letter?—A. No, sir.

Q. You say you made two visits to Washington?—A. Yes, sir.

Q. You recollect that, don't you?—A. Yes, sir.

Q. What time did you go on first?—A. I think it was in January some time, but would not be positive.

Q. How long were you gone?—A. Well, I was—I can't tell positively. I was gone until the Clapp amendment passed the Senate and was referred to the—well, to the—either the House or Senate.

Q. Continuously?—A. I was gone all the time?

Q. Yes.—A. No.

Q. When did you return there?—A. I think I was at home perhaps two weeks.

Q. What month?—A. Well now, this would be guesswork. I suppose about the last of February, possibly March.

Q. Then you could have written a letter when you were at home?—A. I could have?

Q. Yes.—A. Yes, sir.

Q. You stayed there until the Clapp rider was adopted?—A. I did; yes, sir.

Q. Can you say who of the conference committee agreed upon it between the Houses?—A. Senator Clapp was from the Senate. I think chairman in the House.

Q. I didn't ask who the conference committee were, but do you remember which ones agreed to its passage?—A. How's that?

Q. Do you remember which ones of the committee agreed in conference to the Clapp rider?—A. I do not.

Q. Do you know they had a committee in conference?—A. Yes, sir.

Q. Well, I suppose the record will show that. Do you know a man by the name of John W. Carl?—A. Yes, sir.

Q. Has he been a sort of side partner with you in land and mortgage transactions?—A. No, sir.

Q. Has he worked up any deals for you in land or mortgage matters?—A. No; I don't think he has except—why he is a real estate man, never in partnership, nor never any deals that I know of with the exception of one, that he told me could be bought at a price, and I told him that if it could be had at that price that I would give him $100 for his commission on it.

Q. Was that the case of Philomene Donnell?—A. Yes, sir.

Q. Did he tell you that she was a school girl?—A. I don't know as he said she was attending school or that she was employed. He told me that she was in Pipestone.

Q. Pipestone, S. Dak.?—A. No, sir. Pipestone is in Minnesota.

Q. Did you ever hear of a place called Flandreau?—A. Yes, sir.

Q. Is that in South Dakota?—A. It is, I believe.

Q. An Indian school there?—A. I think so.

Q. Then, if he told you that she was at Pipestone and she was really at Flandreau, he must have told you a wrong story about it.—A. Well, I think he was under the impression that she was at Pipestone when he left.

Q. You say he was dealing for $100 commission?—A. That is what I told him.

Q. That you would buy at a certain price?—A. That I would give $600 for it.

Q. Did he draw on you for the money?—A. He did. He used a check on us.

Q. The check was never paid, was it?—A. Never paid.

Q. You don't know anything about the circumstances beyond that?—A. Yes, sir, I do.

Q. What?—A. Well, some time after he brought the deed home, and turned it over to me and told me that he had issued a check for $500 on us, and I gave him his $100 commission, and I recorded the deed. In a short time afterwards a man named Beum, who was practicing law, came to me and said, "Do you know that deed was taken in South Dakota, and John Carl took the acknowledgment, and it is null and void, and the party says that she don't want to retain the check," or something like that, and he says, "I have got the papers here to commence suit." "Well," I said, "You needn't commence suit, because if there is any question about it I will quitclaim it back to her," and I done so.

Q. How did he tell you that this acknowledgment was wrong?—A. He didn't tell me, only that it was taken in Minnesota—in Dakota, when he was a notary of Minnesota.

Q. You didn't know then that the acknowledgment in the deed recited that it was acknowledged in Mahnomen, Minn.?—A. No, sir.

Q. Didn't notice that in the deed that he delivered to you?—A. No, sir. The first intimation I had that anything was wrong, was when Mr. Beum called on me.

Q. And Mr. Beum returned the $500 check?—A. I don't think the check ever come in, but I wouldn't be positive about that; perhaps it did.

Q. Well, it never was presented for payment?—A. No, sir. I think not. If it did, it was simply charged back to Carl.

Q. It appears to be a draft on New York. It doesn't appear to be a check. [Showing paper.] Isn't that a draft on New York?—A. No, sir; this is a check on the First National Bank of Mahnomen. That is our bank.

Q. May be it is. O, yes, I see. Yes, that is so, but it had his card written at the top of the check "John Carl."—A. Yes, sir. "Real Estate." If anybody that was doing business with us wanted their name on the top, we put it on free of charge.

Q. Then so far as you are concerned, you claim you are entirely innocent in this transaction?—A. Yes, sir. Absolutely.

Q. Did you lose that $100?—A. I did; yes, sir.

Q. Never received it back?—A. Never asked for it.

Q. Never asked for it?—A. No, sir.

Q. Isn't that somewhat singular, that you should have paid him $100 and lost it?—A. No, sir, because he made two trips out there,

and John wasn't very flush with money, and he made them in our interests. I considered that he——

Q. Then in some sense he was an agent of yours, if you paid his expenses.—A. No, sir, we didn't pay his expenses. I didn't ask him for it. I knew the money had been spent, and it was a pretty hard matter. John isn't very flush with money. I think we would have been asking for something that we wouldn't have got. If the time ever comes, in a deal, that we can turn it in, of course I will be glad to turn it.

Q. I will ask you if you will look at this paper and see that that is substantially a correct copy of the deed that you received from Mr. Carl when he returned?—A. I would not have any idea. It is a matter of record in the county, the deed.

Q. This is a certified copy. Is this the quitclaim deed that you executed back to the young woman?—A. I think so. The description agrees, does it not?

Mr. LINNEN. Yes.

Q. Is that your deed?—A. This is the deed that I issued.

Q. I only want to offer it all together. Then, if this was an attempt to defraud this young lady, you disclaim accountability for the fraud?—A. I do, most decidedly.

Q. Could it have been anybody else's fraud than his?—A. I didn't suppose there was any fraud connected with it.

Q. Oh, you didn't?—A. No, sir.

Q. If there was no fraud connected with it, why did you deed back?—A. There wasn't very much in the thing anyhow. The only thing, I owned a forty between the town and that forty. I wasn't going to take any chances on a lawsuit. If there was any chances on the thing I told Beum I would deed it back to him. I didn't want to be a party if there was any question about the law.

Q. You have spoken of a county officer, an auditor, I think?—A. Yes, sir.

Q. Martin Bowman?—A. No; he is the clerk of court.

Q. Do you know whether he is a Chippewa Indian, or not?—A. Why, I suppose so. It is generally understood there that he is.

Q. You didn't know that he belonged to another tribe, another Indian nationality?—A. I never heard it intimated.

Q. You never heard that he was not a Chippewa?—A. No, sir; I did not.

Mr. BURCH. That is all.

Mr. GRAHAM. Do you wish to ask Mr. Birkett any questions?

Mr. BEAULIEU. Yes, sir. [Hands the chairman a list of questions to read to witness.]

Mr. GRAHAM. I will read you these questions on behalf of Mr. Beaulieu:

Q. What is the population of the village of Mahnomen?—A. At the present time?

Mr. GRAHAM. That is the question; yes.

The WITNESS. I think about 900.

Q. What is the percentage of white people?—A. Well, I should think there was considerably more than half.

Q. What is the population of the county of Mahnomen?—A. The county? I couldn't say.

Q. Could you give any estimate of the present population, the proportion of the people of the county who are white?—A. No, because I don't know just whether the majority of the Indians that are on the reservation are in our county or not, but at the present time there must be considerably more than half that are white.

Q. In the whole county?—A. In the whole county; yes, sir. The western portion of the county is very largely white. All the agricultural lands are settled very largely with white people.

Q. In your judgment is the contact between the Indians and whites in Mahnomen County beneficial to the Indians, and if so, why is it?—A. At the present time?

Q. Yes.—A. Why, I think it is.

Q. Why?—A. Well, there are a number of farmers—white men—who give employment to those young Indians that would not have anything to do if it wasn't for the white farmer. When I first went there there was no employment for an Indian, with the exception of the drive in the spring of the year, and perhaps a few of the whites who had claims, when there was thrashing in the fall of the year. Now they hire them by the month and employ them through the season.

Q. Do you know whether a prior bill had been introduced in Congress to revive the restrictions from all allottees upon the White Earth Reservation, which bill was introduced by Congressman Steenerson?—A. I don't know anything about that bill. Was that prior to the Clapp amendment? I don't know anything about it. I had only been on the reservation but five or six months when the Clapp amendment came up.

Q. Do you recall what the first bill to raise the restrictions from the allottees of White Earth provided for?—A. I know what the idea was; what we wanted there. We wanted the restrictions all removed.

Q. That you have already stated?—A. Yes.

Q. But the bill before it you have no recollection of?—A. I had nothing to do with it; knew nothing about it whatever. I didn't live in that part of the State.

Q. Immediately following the passage of the Clapp Act, did you know, or did you hear at Mahnomen, that B. L. Fairbanks and Gus H. Beaulieu took steps in Indian councils to have a classification made of White Earth allottees, so that those who are mixed bloods would be classified as such by the Government?—A. I have heard that that question was up in council, but that is all I know about it.

Q. Do you know whether or not they tried at two or three sessions of Congress to get such a bill passed?—A. I have understood they did. I was not in Washington, so I don't know what was done.

Q. Have you ever seen a copy of such a bill?—A. No, sir; I don't remember of ever seeing it.

Q. Do you recall having visited the office of Gus H. Beaulieu, in company with Mr. Thompson of the Security State Bank of Mahnomen, and that Mr. Thompson said to Mr. Beaulieu that a certain member of the Burch corps had said, in yours and Thompson's presence, that if the corps could only catch Gus Beaulieu it would be willing to pack up and leave?—A. Why, I heard something of that conversation.

Mr. BURCH. I wish the committee would find out who that was.

Mr. GRAHAM. Judge Burch, remember it yourself, please. The reporter has suggested to me that I had better follow Mr. Beaulieu's questions without interpolating. I think she is right.

Q. Did you ever read the Tomahawk?—A. Yes, sir.

Q. And if so, have you not, for several years, read there in it charges to the effect that Chippewa tribal funds were being wasted?—A. Yes, sir.

Q. Has not that paper repeatedly urged the Chippewas to demand a complete accounting of funds, amounting, as it is stated, to over five millions of dollars which the Indian Office has expended, and especially for the amount expended since 1902?—A. I know they have advocated the division of the funds.

Q. Your answer was that that paper has advocated an examination into the expenditure of the funds?—A. Yes, sir.

Q. Did Mr. Bernard usually assist in presenting the reasons before the committee in Congress why the Clapp Act was desired?—A. He did; yes, sir.

Q. What committee?—A. Well, principally, I suppose, the Committee on Indian Affairs.

Q. Weren't there many whites on the White Earth Reservation when the Clapp Act was passed who had gotten lands there under the provisions of the inherited lands act?—A. Not a great many. Still, if you take the whole reservation, I presume there was a good many; but, comparatively speaking, there was not.

Q. Wasn't the village of Mahnomen established on one of these tracts of land?—A. Yes, sir; four towns upon the reservation, established upon the Soo Line.

Q. Were not the white persons upon the reservation who held these inherited lands the most clamorous for the passage of the Clapp Act then?—A. Well, I think equally with the Indians. I think they were all anxious to have it.

Q. What?—A. They were all anxious to have the restrictions removed in favor of the Clapp Act.

Q. The question is: Were these white people more clamorous than any others for the removal of that restriction and the passage of the Clapp Act?—A. I don't think they were.

Q. Do you know whether the lumbermen took any interest in the Clapp Act or not?—A. I never met any of them.

Q. You don't know, then?—A. No, sir.

Q. Did they have any representative at Washington while it was being discussed?—A. I never met one that claimed to be representing them.

Q. In your opinion, what has been the result of the Clapp Act among the Indians on the White Earth Reservation?—A. Why, I think their condition is very much improved; the Indians.

Q. What is that last word you used?—A. "Improved."

Q. In other words, you think the Clapp Act has been a benefit to them?—A. Yes, sir; decidedly. If it had been carried out as the intention was, the benefit would have been very much larger.

Q. Has it been beneficial or not, judging from your experience prior to and since the passage of the act?—A. It has, on the whole.

Q. You say it has been beneficial, on the whole?—A. Yes, sir.

Q. Has the act had any bearing upon the solution of the Indian problem, so called, at White Earth?—A. Well, I don't know. A little mixed, I think.

Q. Are not more Indians employed on the White Earth Reservation than were employed when you reached there a couple of years prior to the Clapp Act?—A. Yes, sir; yes, sir; decidedly.

Q. Have not those Indians who will work profited generally by their close contact with the whites since the passage of the Clapp Act?—A. I think they have; yes, sir.

Q. Have any suits been started against the land dealers on the White Earth Reservation by the Burch force?—A. Oh, yes.

Q. Have any been started against the settlers?—A. Yes—well, I don't know as it has been started. It has been started against the land of the original allottee, so that there has been a lis pendens filed on some eleven hundred—there has been some eleven hundred lis pendens filed. I don't know whether you term that started against the individual. It is against the land.

Q. Have these suits been pushed to a conclusion promptly, or have they been dragged along?—A. I don't think there have been any suits tried yet; I don't know of any.

Q. Could the work with regard to the suits have been expedited, in your opinion?—A. To an outsider it seems as though they could; I am not a lawyer.

Q. Could you account for their being prolonged so?—A. No. I talked with Mr. Burch two years ago when I was in Washington, and he gave me every assurance that they would be cleaned up in a very short time.

Q. What has been the cost, so far, to settlers and bankers and other concerns, to defend each suit that has been commenced?—A. I don't know.

Q. At the rate they have proceeded, how long will it take to settle the questions involved in the White Earth land matters?—A. I can not say. There has been no settlements made.

Mr. GRAHAM. That covers your list, Mr. Beaulieu. Judge Burch do you wish to reexamine?

Mr. BURCH. No, upon reflection, I do not think I will waste the time. I am anxious to be getting along.

Mr. GRAHAM. Any other gentlemen desire to ask Mr. Birkett any questions? That is all, Mr. Birkett.

WITNESS. I am excused for good?

Mr. GRAHAM. Is there any reason for his remaining now, or may he be excused?

Mr. BURCH. He may be excused, so far as we are concerned.

EDWARD B. LINNEN, recalled.

Examined by Mr. BURCH.

Q. Have you been in court during the examination of Mr. Henry Birkett?—A. I have.

Q. Did you hear that portion of his testimony, relating to Philomene Donnell?—A. I did.

Q. Is that one of the cases you reported upon?—A. It was.

Q. Have you your report of that?—A. A certified copy of it.

Q. You may read it for the benefit of the committee.

Mr. BURCH. I will offer that, and just simply read it for the benefit of the committee.

(Mr. Birkett takes seat behind the witness.)

Witness reads as follows:

DEPARTMENT OF THE INTERIOR,
INSPECTION SERVICE,
White Earth Agency, Minn., September 22, 1909.

The honorable the SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to transmit herewith data and information concerning a case the facts of which, briefly stated, are as follows:

On July 13, 1909, one John W. Carl, a half breed of the Chippewa Tribe, who is an attorney residing at Mahnomen, Minn., went to the Riggs Institute at Flandreau, S. Dak., arriving there on the evening of said date about dusk in an automobile, accompanied by a driver by the name of Heck, they having proceeded to Flandreau, S. Dak., from Pipestone, Minn., as I am advised.

Said Carl had an interview with one Philomene Donnell, a pupil at the said school, holding an interview with her of about 15 minutes' duration in one of the music rooms in a building at the said school, at which interview no person was present other than himself, the said John W. Carl and said pupil, Philomene Donnell. During this interview said Carl attempted to purchase from said Philomene Donnell her allotment, being a tract of land described as follows: The NE ¼ of SE ¼, sec. 3, T. 144, north of range 42 west of 5 P. M. in Minnesota, containing 40 acres, which land adjoins the town of Mahnomen, Minn. She refused to sell, and said Carl discussed with her the way she spelled her name, stating that the records did not agree with the way she spelled it, and pulled out of his pocket a blank on which he asked her to sign her name, to show him the correct spelling. She signed this paper unwittingly and without any knowledge on her part that she was signing a deed conveying said land. This paper which she signed proved to be a warranty deed, transferring said tract of land to one Henry Birkett, who is a banker living at Mahnomen, Minn. Carl then left the building, and as he did so handed this pupil a paper folded, the nature and contents of which he did not explain to her, stating that he would return the following morning and consult with her further. This slip of paper proved to be a check in the sum of $500, numbered 1078, dated at Mahnomen, Minn., July 13, 1909, drawn in favor of Philomene Donnell in the sum of $500 on the First National Bank of Mahnomen, Minn.

As soon as this pupil, Philomene Donnell, discovered that said Carl had left with her a check she reported it to some of the employees of said school and the said check was promptly returned to the said Carl, by United States mail, addressed to him at Mahnomen, Minn., which check was returned by said Carl, by his letter dated Mahnomen, Minn., July 23, 1909, addressed to Miss Philomene Donnell, Flandreau, S. Dak., in which he states that he had purchased said land, etc.

I am inclosing herewith a certified copy of said deed, which deed was obtained by fraud and misrepresentation in the manner as above set forth, said pupil, Philomene Donnell, who is a Chippewa Indian of the mixed blood, then and now being in attendence at the Government school, Flandreau, S. Dak. Said deed shows the same to have been acknowledged on the 13th day of July, 1909, by said John W. Carl, notary public, Mahnomen County, and sets forth that said Philomene Donnell personally appeared there before him on said date. This deed is witnessed by one Lloyd Williams, who was not present when this Indian girl pupil of said school unwittingly signed her name to said paper, and I believe the same to be a forgery or a fictitious name signed by said Carl, as the automobile driver who accompanied him to said school and who remained sitting outside in the automobile during all of the time (about 15 minutes) in which said interview was being held, is a man by the name of Heck. Of course, said John W. Carl, being a notary public in and for Mahnomen County, Minn., could not take acknowledgments at Flandreau, S. Dak., and this pupil, Philomene Donnell, has not been outside of the State of South Dakota for several months last past.

I am inclosing also an affidavit of said Indian girl, Philomene Donnell; one of Charles F. Peirce, superintendent of the Riggs Institute, Flandreau, S. Dak.; affidavit of Lena Ransom, a former employee of said Indian school who was in charge of the girl's building on July 13, 1909, when said interview was had, and copies of the correspondence had between said John W. Carl and Philomene Donnell, between said Carl and Superintendent Peirce, and between said Superintendent Peirce and myself, as also the original check herein mentioned which was given by said Carl to the said Philomene Donnell.

There is also a letter dated Flandreau, S. Dak., September 20, 1909, addressed to me by Superintendent Peirce with relation to this matter, which is inclosed for your information, from which it appears that said Carl, having some knowledge that this matter was being investigated, had, on the 18th of September, 1909, again visited said

pupil, Philomene Donnell, at the Riggs Institute, this time being accompanied by her father, at which time he offered said pupil $700 for this 40-acre tract which he claims to have previously bought, or $1,300, for her 80. She steadfastly refused to have anything to do with him, or to sell her land, and it then appears that he offered to deed the land back to her if she would return his $500 check, etc. I desire to state that this is but one of many of the frauds perpetrated on these Indians, and upon the pupils of the various nonreservation Government boarding schools, where children, who have been allotted lands on the White Earth Reservation, have been defrauded by these land sharks, and I am fully convinced that said Carl would not now be offering to transfer this land back to this pupil if he did not fear prosecution, which he so richly deserves. I believe that he was associated with said Henry Birkett in a conspiracy to defraud this Indian girl pupil. Certain it is that he obtained her signature to the deed in the manner herein set forth; that no person was present other than himself and said pupil when he committed this fraud; that the signature of Williams to said deed as a witness is false and likely a forgery, no such person being present or having accompanied said Carl; that his acknowledgment to said deed is false and untrue, and that said Carl could not take an acknowledgment in the State of South Dakota.

I therefore have the honor to recommend that this matter be referred to the Department of Justice with a view to bringing proper action to prosecute said guilty parties.

Very respectfully,

E. B. LINNEN,
United States Inspector, Department of Interior.

WITNESS. The affidavits referred to, of Philomene Donnell, Superintendent Peirce, of Flandreau School, and the lady matron, who had charge of that room at the time, are also annexed.

Mr. GRAHAM. I would like to hear the girl's affidavit.

Witness reads the affidavit of Philomene Donnell, as follows:

Philomene Donnell, being duly sworn, according to law, deposes and states that I am 20 years of age and am now a pupil of the Flandreau Inidan School; also, that I own an allotment on the White Earth Reservation in Minnesota.

I have been approached several times by parties from Mahnomen and elsewhere asking me to sell this allotment, but I have steadfastly refused to do so. On or about July 13, 1909, one John W. Carl, of Mahnomen, Minn., visited this school and sought an interview with me. He said that he desired to purchase my allotment, but I told him that I would not sell the same; that I had a number of good offers for it had I cared to sell it. Mr. Carl visited with me for a few minutes and in the conversation asked me how I spelled my name, stating that my way of spelling and the way of the spelling on the official records did not agree. He asked me to write my name on a piece of paper in order that I should show him the correct spelling. I did so without any knowledge whatever of its being a signature to a deed or any other paper.

When Mr. Carl left the building he handed me a small paper, which was folded, which proved to be a check for $500. As he handed me this paper, said there was something for me and that he would see me again in the morning at 10 o'clock and talk over the matter further. He failed to return the following morning and I sent him the check by mail, stating that, as I had not sold the land, I had no business with this money. In a few days I received a letter from him stating that I had made a fair and square sale of the land and that he did not care to sell it back to me. He also returned me the check.

I at once took the matter up with Superintendent Peirce of the Indian school, requesting him to do all possible to prove the sale to be a fraud. I further state that I have not been outside the State of South Dakota for several months and any deed or other paper purported to have been made or signed by me outside of this State is a forgery.

For the above reasons I ask that any deed on record be set aside as having been procured by fraud.

I further state that any person or persons other than Carl himself were not present during his interview with me.

PHILOMENE DONNELL.

Sworn and subscribed to before me this 10th day of September, 1909.

[SEAL.] F. A. WARREN,
Notary Public, Moody County, S. Dak.

My commission expires March 21, 1912.

WITNESS. I will now read affidavit of Chas. F. Peirce, superintendent of the Flandreau Indian School:

STATEMENT OF CHARLES F. PEIRCE, SUPERINTENDENT FLANDREAU INDIAN SCHOOL.

STATE OF MINNESOTA, *County of Mahnomen, ss:*

Charles F. Peirce, being first duly sworn by Inspector E. B. Linnen, on oath testifies as follows:

My name is as above stated. I am of legal age, and am the present superintendent of the Indian school situated at Flandreau, S. Dak.

Some time during the spring, I believe during the months of May or June, 1908, one Knudson, whom I believe to be A. C. Knudson, one of the county officials of Becker County, Minn., came to the Indian school accompanied by one George Fox, a half-breed Chippewa Indian, who, I am informed, resides at Detroit, Becker County, Minn., and purchased the allotment and lands of a pupil in said school by the name of George Wah-we-yea-cumig, who was at the time about 19 years of age. I did not personally see these men there at the school, but I am informed and believe that they were there, that they induced said George Wah-we-yea-cumig to accompany them from the school building down to the town of Flandreau, where they made a deal with him, during the noon hour. This was reported to me about 1.30 p. m., the said day, and upon investigation I found that said Knudson and said Fox had already left town.

Another case is that of John W. Carl, a real estate dealer of Mahnomen, Minn., who is a half-breed Chippewa Indian, and who came to my school at Flandreau, S. Dak., about the middle of July, 1909, and there had an interview with one of the pupils, Philomene Donnell by name, who is a mixed-blood Chippewa Indian, owning land on the White Earth Reservation in Minnesota. Said Carl came to the school about dark one evening, and had the interview with this pupil, Philomene Donnell, in one of the girls' sitting rooms in the school buildings, and then and there induced said pupil, Philomene Donnell, to sign her name to a paper, which has proven to be a deed transferring title to her allotment. He did this by misrepresentation, having asked her to sign her name to a paper so that he might know how she spelled her name, after he had represented to her that the spelling of her name was different from that she gave him. She did not know that she was signing a deed transferring her land, and was alone with said Carl when she did so sign her name under misapprehension to a paper which was a deed, and has been recorded in Mahomen County, transferring her lands and allotment to the said John W. Carl.

There were no other persons, notary public, or other officer authorized by law to administer oaths present, and the said John W. Carl was not a notary public in and for South Dakota. He left with the said Philomene Donnell a piece of paper, folded, and told her he would return the following morning to have a further interview with her. After his departure from the school that evening she discovered that the piece of paper he left with her was a check made out by him in her favor in the sum of $500, which she reported to me the following day, and turned over said check to one of the employees of the school. This check was returned to the said John W. Carl, by United States mail, to his post-office address at Mahnomen, Minn., and was subsequently returned by him to the said Philomene Donnell, accompanied by his letter, which stated in substance that he had purchased her lands for the sum of $500, and insisted that she retain said check.

This pupil, Philomene Donnell, on several occasions prior to the visit of John W. Carl positively refused to make any sale of her lands. I am not positive as to the age of this pupil, but it is likely that she may be 18 years old at the present time, but this purchase of her land by the said John W. Carl was done without knowledge on the part of said pupil, Philomene Donnell, that she was selling her lands, or that she was receiving any consideration therefor. No papers were read over to her. She was not sworn to any papers, as there was no officer present who was qualified to do so. There were no witnesses to the transaction, and the deed was signed under misapprehension and without knowledge on her part as to what she was doing, and was, and is a fraudulent transaction which should be set aside and declared null and void. These papers together with the letter of said Carl and his check, have been turned over to Agent John R. Howard.

This statement is made by me from information and knowledge which I have gathered from the said Philomene Donnell and I believe the same to be true and correct, and to fully state the facts in the case. On the evening in question, when said John W. Carl came to the said Indian school at Flandreau, he came over in an automobile with some other man supposed to be from Pipestone, Minn. This man did not go into the school building, but remained outside in said automobile during

the interview had between said Carl and Philomene Donnell, as I am informed by Miss Lena Ransom, the lady in charge of the building at that time. I, myself, passed the building several times and saw a man sitting in the automobile each time.

About the 20th of June a pupil from Pipestone school whose name is, I believe, Joseph La Jeumesse, came to my school for the purpose of securing the signature of one of the pupils to a purported mortgage, stating that one Louis Carpenter, an employe of the Pipestone Indian school, had sent him over for that puprose. I was not present at the time. My clerk called him to the office and asked his business and asked to see the mortgage. Upon examination he found it to be a straight warranty deed, and at once ordered the young man from the school, cautioning him never to return there for any purpose again. I reported the matter to the superintendent of the Pipestone school, and informed him that if said Carpenter had any further transactions with my pupils relative to the sale of lands that I should report it to the department. I am further informed that this man Carpenter came to the village of Flandreau, S. Dak., about the 10th of August (1909) and met Margaret Belland, a pupil, in the town. They went to a notary firm to execute papers and the notary refused to take action without the consent of my office, calling up the clerk to see if the papers were correct. Mr. Harris, the clerk, advised him not to execute such papers, whereupon Carpenter went before one W. G. Cowes, a notary in the village of Flandreau, and secured an affidavit to the paper. The nature of this instrument I do not know for the reason that I have not been at Flandreau since the transaction took place.

CHAS. F. PEIRCE.

Subscribed and sworn to before me this 2d day of September, A. D. 1909, at Beaulieu, Minn.

E. B. LINNEN,
United States Inspector, Department of the Interior.

Mr. GRAHAM. May I see the signature, Mr. Linnen?

Mr. LINNEN. This is a certified copy, Mr. Chairman.

Papers marked for identification, as follows:

"Burch's Exhibit 48," being 32 pages typewriting, including commissioner's certificate.

"Burch's Exhibit 48-A," being check for $500 to order of Philomene Donnell, signed by John Carl.

"Burch's Exhibit 48-B," warranty deed, Philomene Donnell to Henry Birkett.

"Burch's Exhibit 48-C," quitclaim deed, Henry Birkett and wife to Philomene Donnell.

"Burch's Exhibit 48-D," letter of March 31, 1910, addressed to the Attorney General, signed R. A. Ballinger, Secretary, evidently a copy.

"Burch's Exhibit 48-E." original letter, April 9, 1910, addressed to E. H. Long, signed J. A. Fowler, Acting Attorney General.

Burch's Exhibit 48-F," being statement by Mr. Hinton, dated Detroit, July 6, 1910.

Mr. BURCH. I now offer these in evidence, Exhibit 48 more as to Mr. Carl than as to Mr. Birkett, whose explanation of this I will be glad to accept if the committee wishes.

Mr. GRAHAM. You may accept it, without binding us.

Mr. BURCH. Oh, I do not bind you. I offer these particularly in regard to Mr. Carl, and because he has been before the committee, more or less.

Mr. LINNEN. I simply made brief mention of this in my report, drawing attention to a special report on it.

Mr. BURCH. I have no further questions to ask Mr. Linnen on this matter at this time.

Mr. GRAHAM. Does any gentleman desire to ask Mr. Linnen any question? Mr. Birkett, any question you would like to have asked of Mr. Linnen?

Mr. BIRKETT. The only question was, if he had the original deed, I would like to see it. I was not familiar with the signature at the time of the deal, but since that time she has sold or traded that land to someone else, and has done business with us since, so that I am at this time familiar with her signature: but I understand this is a copy and not the original that the gentleman has.

BURCH'S EXHIBIT NO. 48.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 28, 1910.

I, R. G. Valentine, Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true copies of the originals as the same appear on file in this office.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this office to be affixed, on the day and year first above written.

[SEAL.] R. G. VALENTINE,
Commissioner.

MAHNOMEN, MINN., *July 23, 1909.*

Miss PHILOMENE DONNELL,
Flandreau, S. Dak.

MY DEAR MISS DONNELL: I have just returned from a trip up north, and I find your letter, with my check for the amount I paid you for your 40 acres of land.

I was very much surprised when I read your letter, as you said you was perfectly satisfied at the price you got for the 40. It is not customary for people doing business to change their minds after they have paid for a piece of property, and, as we made this deal with a clear understanding, I do not feel as though I care about selling it back to you, so I herewith return you the check payable to you.

Very respectfully, yours,

JOHN W. CARL.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
RIGGS INSTITUTE,
Flandreau, S. Dak., July 28, 1909.

Mr. JOHN W. CARL,
Mahnomen, Minn.

DEAR SIR: I am writing you in order to obtain some information concerning the alleged sale of 40 acres of land to you by Philomene Donnell a short time ago. It appears that you came here one evening after dark to see this young lady relative to selling you the place.

Her story is as follows:

"She told you she did not care to sell the place; that she might have sold long ago had she wanted to do so, as a number of people had been here to get her to sell. She states that after some time you asked her how she spelled her name and asked her to write it on a piece of paper, which she did. However, she states that she had no intention of selling, and that she had no thought that she was signing any deed or contract, but simply writing her name in order that you might know how it was spelled. She states that after you passed out of the room in which you had been talking you handed her the $500 check, which was filled out, and left promising to return and talk the matter over with her in the morning. You did not get up in the morning, and she returned the check without the knowledge of any of the employees that she had signed any papers or received any check."

Your letter to her returning the check has been shown me, as well as the other employees. The girl feels that she has been wronged, and the matter has been taken up in her behalf by some of the employees, who have consulted an attorney in town relative to the matter.

I wish you would write me and give me your report of the case. If a deed was signed, who were the witnesses and before whom was it executed?

I know that parties at Mahnomen have been working every scheme to get hold of this land, even offering the older pupils in the school $50 if they would influence her to sign the deed. This statement I know to be a fact.

The girl states that her parents and brothers have sold all their land and have nothing practically left, and she does not intend to sell, but intends to hold her land. I wish you would give me all the information relative to the transaction as soon as possible.

Thanking you in advance, I am,

Very respectfully, CHAS. F. PEIRCE.

MAHNOMEN, MINN., *August 6, 1909.*

CHAS. F. PEIRCE, *Superintendent,*
Flandreau, S. Dak.

DEAR SIR: Replying to your letter of recent date, I have to say that the deal I made with Philomene Donnell was a perfect one. I did go there after supper, driving an auto from Pipestone, but not with an intent to defraud anyone, but I wanted to get back to White Earth for the council that was to be had on July 15.

When I first asked the girl about her land she said that Aamoth and Barstow, both of this place, had been there, and that she had been offered $1,000 for the 80 acres, and that she did not sell. I told her that if she would sell her 40-acre tract that is west of town I would give her $500. She said that she could not do that while she was at school, as they would not allow her to. I told her that she was old enough to sell, if she wanted to, and that my offer was ready if she wanted to sell.

We went into the music room, and I had her sign the deed that I had already drawn up, which she signed, and I wrote the check for $500 and gave it to her, and I told her that I would see her the next day if I did not go back that night. I asked the driver about trains, and he said that I could get back to Minneapolis on the midnight train. So I left for Pipestone.

No land deal was ever made more squarely than this. I have conducted my business here the best I know how, and I do not do any of it unless it is on the square.

Respectfully, yours,

JOHN W. CARL.

1609 SOUTH WASHINGTON AVENUE,
Wichita, Kans., August 28, 1909.

The BUREAU OF INDIAN RIGHTS,
Washington, D. C.

GENTLEMEN: A few weeks ago I was employed as teacher in the Flandreau Indian School when a circumstance happened which I wish to refer to the Bureau of Indian Rights.

There is a girl, Philomene Donnell, enrolled there in the school, who owns two pieces of land, each 40 acres, near Mahnomen, Minn. One of these pieces joins the town, and I understand has become quite valuable. For this reason the land agents of Mahnomen are anxious to get hold of it but do not seem willing to offer a reasonable price for it. The employees at the school had tried to protect the girl by allowing the agents to see her only in the presence of some employee. One evening about July 9 I was left in charge of the girls at the girls building, when three men drove up in an auto, and one of them came to the building and asked for Philomene Donnell. I asked who it was that wished to see her, and he said John Carl. I had met him several times when he had been to the school at different times looking after some pupils that were relatives of his and not suspecting that he was also a land agent I allowed Philomene to be sent for. She came, and they stood by the steps of the building a few minutes talking, when, as it was getting dusk, I invited them to come into the building and showed them into the sitting or music room. They were there only a few minutes when he took his leave, telling her that he would see her in the morning again. As soon as he was gone I said to her, "He didn't want you to sign any papers, did he?" and she said "No." The next morning the assistant matron asked her if she had signed any paper, and she said she had not. She has never expressed so far as I know a desire to sell her land. But a few days later a letter came to her inclosing a check for $500 drawn by John Carl to Philomene Donnell, and in the letter he told her that she had sold her land to him and that she had said she was satisfied with the price at the time that he first gave her the check and that he was not going to sell it back to her. Then Philomene told us that just as he left the evening he was there he put a

piece of paper into her hand and that she did not think much about it and did not examine it at the time. When she did examine it, she knew it was a check and realized that he was trying to get her land, so she without saying anything to any of the employees put the check into an envelope and returned it to him. When he again returned it to her was the first we knew of the transaction. She says that while they were in the room together he asked her how to spell her name; she told him, and then he handed her a piece of paper and asked her to write it for him. She declares that she saw no writing or printing on the paper, nothing except a dotted line near the top on which she wrote her name. She says she does not think the paper was folded at all. She is 18 or 19 years old and is a good eighth-grade pupil. There were two electric lights in the small room, both burning, so it was well lighted. I positively know that there was no one present when she wrote her name or at any other time while they were together, so there could be no witness to her signature.

C. F. Peirce, superintendent of Flandreau School, wrote to Mr. Carl, and the inclosed typewritten letter is a copy of Mr. Carl's reply. Mr. Carl is a notary in Mahnomen, Minn.

Philomene Donnell says she did not trust him, because she had known of his dishonesty up at Mahnomen with the Indians. I have heard since in other ways that he is not fair in his dealings with the Indians.

Mr. Peirce sent the check to Supt. Howard at White Earth and asked him to protect the girl's interest.

A notary of Flandreau told me that several times this year our pupils had come into his office to sign deeds under the impression that they were simply borrowing $50 or $100 on their land.

I am not now in the service, but I taught in the schools eight years, and wish to see the Indian children have fair treatment. Their own people are among their worst enemies. John W. Carl is an Indian.

Very respectfully,

(Miss) LENA RANSON.

MAHNOMEN, MINN., *August 12, 1909.*

DEAR PHILOMENE: I have done just as you have asked me and find your land deal is recorded in the Mahnomen courthouse. It was bought in by the banker, Henry Frazer, July 23. The register of deeds thinks John W. Carl was his agent. The witnesses on the books for that deal are John W. Carl and Loyd Williams.

Jerry Sullivan, the register of deeds, says you were beat badly and you should take immediate action and serve a lispendens on John W. Carl as he is liable to sell the land to another party any day now and he can hold the land back then, until you get cleared.

Uncle Louis went to see the lawyer about it and he has already had him write a lispendens and file it for you, but of course you will have to write J. E. Beum, attorney at law, Mahnomen, Minn., and tell him you engage him as your attorney to prosecute for your property before 30 days, because he will have to withdraw the papers and you might lose your land. Mr. Beum says he will take it up for you and you should ask Mr. Peirce to take it up, and as soon as the Government takes it up he will turn it over to them and it won't cost you anything. Mr. Beum says in the meantime to be sure and not sign any papers of any description until you show them to Mr. Peirce or till you come home. He says if you stay by your story and if what you say is true you will undoubtedly get your land back.

Uncle Louis is taking up this case because he does not want to move off there for John W. Carl, as he had rented your place from you till you came home. And just as soon as the Government or anyone else steps in the case will be put in their charge. The lawyer will turn it over to them then.

I think I have explained everything to you now and you know just how you stand. I will close hoping to hear from you soon, I remain,

Very sincerely, your friend,

MARY J. BRISBOIS.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Mahnomen, Minn., August 12, 1909.

MR. HARRIS, or PEIRCE.

DEAR FRIEND: I am writing you this letter in case Mr. Peirce is absent. I trust you do not think I am meddling with the school affairs, but Philomene Donnell asked me to see about her land and see about the deal of John W. Carl while I was home.

As she said no one heard what measures he had taken. And I find he has recorded the land deal she made with him, in the Mahnomen courthouse, and the witnesses he has in the books are himself, John W. Carl, and Lloyd Williams. The register of deeds says the best thing to do is to serve a "lis pendens" on him, so as to hold the land back, as Mr. Carl is liable to sell now to any innocent party and all she could get would be judgment against him, and that would not be much, as he is heavily mortgaged now.

I believe I have told you that Uncle Louis had rented that 40 near town that she is supposed to have sold to J. W. Carl, and rather than move off now he is going to take up the case and meet the expenses, because Philomene gave him her permission to rent the place till she came back from school. I am also writing her a letter, and things might be more clear if you refer to it.

Trusting you will approve of this action, I remain,

Very sincerely, your friend, MARY JANE BRISBOIS.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
RIGGS INSTITUTE.
Flandreau, S. Dak., August 16, 1909.

Supt. JOHN R. HOWARD,
White Earth, Minn.

DEAR SIR: I am inclosing herewith copies of letters and letters in connection with the case of Philomene Donnell, a pupil of this school. This young lady owns a tract of land adjoining the town of Mahnomen, and has been repeatedly urged to sell the same by various land sharks; however, she has positively declined to do so, stating that she did not intend to do as her people had and have nothing left.

About four weeks ago John Carl came here after dark and asked to see this young woman. He had an interview, and she states she positively refused to sell the land, and he left with the statement that he would be back and talk the matter over with her the next morning. Just before he left, which was between 9 and 10 o'clock at night, he asked the girl how she spelled her name and asked her to write it for him, he handing her a piece of folded paper. As he left the building he handed her another paper folded and said that he would be back to see her in the morning. After he had left the building the girl found it to be a check which is herewith inclosed. He failed to return the next morning, but immediately departed for Pipestone, taking a train to St. Paul. The girl immediately wrote Carl, and he writes a very pompous letter, appearing very much surprised that she repudiated a legal transaction. I am unable to find that this sale was witnessed by anyone except Carl and a man named Williams, who appeared in the automobile, but he did not enter the building while here. If the deed was acknowledged before Carl it is, of course, not valid, for he had no right to take any acknowledgment outside the State of Minnesota.

I am returning the papers to you and would ask that you investigate and take such action as necessary to protect this girl from the hands of land sharks and other grafters.

Very respectfully,

CHAS. F. PEIRCE, *Superintendent.*

STATEMENT OF CHARLES F. PEIRCE, SUPERINTENDENT FLANDREAU INDIAN SCHOOL.

STATE OF MINNESOTA, *County of Mahnomen, ss:*

Charles F. Peirce, being first duly sworn by Inspector E. B. Linnen, on oath testifies as follows:

My name is as above stated. I am of legal age and am the present superintendent of the Indian school situated at Flandreau, S. Dak.

Some time during the spring, I believe during the months of May or June, 1908, one Knudson, whom I believe to be A. C. Knudson, one of the county officers of Becker County, Minn., came to the Indian school, accompanied by one George Fox, a half-breed Chippewa Indian, who, I am informed, resides at Detroit, Becker County, Minn., and purchased the allotment and lands of a pupil in said school by the name of George Wah-we-yea-cumig, who was at the time about 19 years of age.

I did not personally see these men there at the school, but I am informed and believe that they were there, and that they induced said George Wah-we-yea-cumig to accompany them from the school building down to the town of Flandreau, where they made the deal with him during the noon hour. This was reported to me about 1.30 p. m. the same day, and upon investigation I found that said Knudson and said Fox had already left town.

Another case is that of John W. Carl, a real-estate dealer of Mahnomen, Minn., who [illegible] a half-breed Chippewa Indian, and who came to my school at Flandreau, S. Dak., [illegible] it the middle of July, 1909, and there had an interview with one of the pupils,

Philomene Donnell by name, who is a mixed blood Chippewa Indian, owning lands on the White Earth Reservation in Minnesota. Said Carl came to the school about dark one evening and had the interview with this pupil, Philomene Donnell, in one of the girls' sitting rooms in the school buildings, and then and there induced said pupil, Philomene Donnell, to sign her name to a paper, which has proven to be a deed transferring title to her allotment. He did this by misrepresentation, having asked her to sign her name to a paper so that he might know how she spelled the name, after he had represented to her that the spelling of her name was different from that she gave him. She did not know that she was signing a deed transferring her land, and was alone with said Carl when she did so sign her name under misapprehension to a paper which was a deed and has been recorded in Mahnomen County, transferring her lands and allotment to the said John W. Carl. There was no other person, notary public or other officer authorized by law to administer oaths, present, and the said John W. Carl was not a notary public in and for South Dakota. He left with the said Philomene Donnell a piece of paper, folded, and told her he would return the following morning to have a further interview with her. After his departure from the school that evening she discovered that the piece of paper he left with her was a check made out by him in her favor in the sum of $500, which she reported to me the following day and turned over said check to one of the employees of the school. This check was returned to the said John W. Carl by United States mail to his post-office address at Mahnomen, Minn., and was subsequently returned by him to the said Philomene Donnell, accompanied by his letter, which stated, in substance, that he had purchased her lands for the sum of $500, and insisted that she retain said check.

This pupil, Philomene Donnell, has on several occasions prior to the visit of John W. Carl positively refused to make any sale of her lands. I am not positive as to the age of this pupil, but it is likely that she may be 18 years old at the present time. But this purchase of her lands by the said John W. Carl was done without knowledge on the part of said pupil, Philomene Donnell, that she was selling her lands, or that she was signing a deed conveying to any person title to her lands, or that she was receiving any consideration therefore. No papers were read over to her. She was not sworn to any papers, as there was no officer present who was qualified to do so. There were no witnesses to the transaction, and the deed was signed under misapprehension and without knowledge on her part as to what she was doing, and was, and is a fraudulent transaction which should be set aside and declared null and void. These papers, together with the letter of the said Carl and his check, have been turned over to Agent John R. Howard.

This statement is made by me from information and knowledge which I have gathered from the said Philomene Donnell and I believe the same to be true and correct and to fully state the facts in the case. On the evening in question, when said John W. Carl came to the said Indian school at Flandreau, he came over in an automobile with some other man supposed to be from Pipestone, Minn. This man did not go into the school building but remained outside in said automobile during the interview had between said Carl and said Philomene Donnell, as I am informed by Miss Lena Ranson, the lady in charge of the building at that time. I, myself, passed the building several times and saw a man sitting in the automobile each time.

About the 20th of June a pupil from Pipestone school, whose name is, I beileve, Joseph La Jeunesse, came to my school for the purpose of securing the signature of one of the pupils to a purported mortgage, stating that one Louis Carpenter, an employee of the Pipestone Indian School had sent him over for that purpose. I was not present at the time. My clerk called him to the office and asked his business and asked to see the mortgage. Upon examination he found it to be a straight warranty deed and at once ordered the young man from the school, cautioning him never to return there for any such purpose again. I reported the matter to the superintendent of the Pipestone school and informed him that if said Carpenter had any further transactions with my pupils relative to the sale of lands that I should report it to the department. I am further informed that this man Carpenter came to the village of Flandreau, S. Dak., about the 10th of August (1909), and met Margaret Belland, a pupil, in the town. They went to a notary firm to execute papers and the notary refused to take action without the consent of my office, calling up the clerk to see if the papers were correct. Mr. Harris, the clerk, advised him not to execute such papers, whereupon Carpenter went before one W. G. Cowes, a notary in the village of Flandreau and secured an affidavit to the paper. The nature of this instrument I do not know for the reason that I have not been at Flandreau since the transaction took place.

CHAS. F. PEIRCE.

Subscribed and sworn to before me this 2d day of September, A. D. 1909, at Beaulieu, Minn.

E. B. LINNEN,
U. S. Inspector, Department of Interior.

This paper which she signed proved to be a warranty deed transferring said tract of land to one Henry Birkett, who is a banker living at Mahnomen, Minn. Carl then left the building, and as he did so handed this pupil a paper, folded, the nature and contents of which he did not explain to her, stating that he would return the following morning and consult with her further. This slip of paper proved to be a check in the sum of $500, numbered 1078, dated at Mahnomen, Minn., July 13, 1909, drawn in favor of Philomene Donnell in the sum of $500 on the First National Bank of Mahnomen, Minn.

As soon as this pupil, Philomene Donnell, discovered that said Carl had left with her a check she reported it to some of the employees of said school and the said check was promptly returned to the said Carl by United States mail, addressed to him at Mahnomen, Minn., which check was returned by said Carl, by his letter dated Mahnomen, Minn., July 23, 1909, addressed to Miss Philomene Donnell, Flandreau, S. Dak., in which he states that he had purchased said land, etc.

I am inclosing herewith a certified copy of said deed, which deed was obtained by fraud and misrepresentation in the manner as above set forth, said pupil Philomene Donnell, who is a Chippewa Indian of the mixed blood, then and now being in attendance at the Government school, Flandreau, S. Dak. Said deed shows the same to have been acknowledged on the 13th day of July, 1909, by said John W. Carl, notary public, Mahnomen County, and sets forth that said Philomene Donnell personally appeared there before him on said date. This deed is witnessed by one Lloyd Williams, who was not present when this Indian girl pupil of said school unwittingly signed her name to said paper, and I believe the same to be a forgery or a fictitious name signed by said Carl, as the automobile driver who accompanied him to said school and who remained sitting outside in the automobile during all of the time (about 15 minutes) in which said interview was being held, is a man by the name of Heck. Of course said John W. Carl, being a notary public in and for Mahnomen County, Minn., could not take acknowledgements at Flandreau, S. Dak., and this pupil, Philomene Donnell, has not been outside of the State of South Dakota for several months last past.

I am inclosing also an affidavit of said Indian girl, Philomene Donnell; one of Charles F. Peirce, superintendent of the Riggs Institute, Flandreau, S. Dak.; affidavit of Lena Ransom, a former employee of said Indian school, who was in charge of the girls' building on July 13, 1909, when said interview was had, and copies of the correspondence had between said John W. Carl and Philomene Donnell, between said Carl and Superintendent Peirce, and between said Superintendent Peirce, and myself as also the original check herein mentioned, which was given by said Carl to the said Philomene Donnell.

There is also a letter dated Flandreau, S. Dak., September 20, 1909, addressed to me by Superintendent Peirce with relation to this matter, which is inclosed for your information, from which it appears that said Carl, having some knowledge that this matter was being investigated, had, on the 18th of September, 1909, again visited said pupil Philomene Donnell, at the Riggs Institute, this time being accompanied by her father, at which time he offered said pupil $700 for this 40-acre tract which he claims to have previously bought, or $1,300 for her 80. She steadfastly refused to have anything to do with him or to sell her land, and it then appears that he offered to deed the land back to her if she would return his $500 check, etc. I desire to state that this is but one of many of the frauds perpetrated on these Indians and upon the pupils of the various nonreservation Government boarding schools, where children who have been allotted lands on the White Earth Reservation have been defrauded by these land sharks, and I am fully convinced that said Carl would not now be offering to transfer this land back to this pupil if he did not fear prosecution, which he so richly deserves. I believe that he was associated with said Henry Birkett in a conspiracy to defraud this Indian girl pupil. Certain it is that he obtained her signature to the deed in the manner herein set forth; that no person was present other than himself and said pupil when he committed this fraud; that the signature of Williams to said deed as a witness is false and likely a forgery, no such person being present or having accompanied said Carl; that his acknowledgment to said deed is false and untrue, and that said Carl could not take an acknowledgment in the State of South Dakota.

I therefore have the honor to recommend that this matter be referred to the Department of Justice with a view to bringing proper action to prosecute said guilty parties.

Very respectfully,

E. B. LINNEN,
United States Inspector, Department of Interior.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth, Minn., September 25, 1909.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In reply to your favor of September 21, relative to the fraudulent purchase by one John W. Carl of 40 acres of land adjoining the town of Mahnomen, belonging to Philomene Donnell, a mixed blood. You are advised that this matter has been given a very thorough investigation by Mr. E. B. Linnen, who informs me that a full report covering this transaction has recently been forwarded to your office.

Our records show that Philomene Donnell was born May, 1891. Should any further details, or information relative to the matter be desired, I will be pleased to give the same prompt attention.

Yours, respectfully,

JOHN R. HOWARD,
Superintendent and Special Disbursing Agent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UNITED STATES INDIAN SCHOOL,
Flandreau, S. Dak., Sept. 29, 1909.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of September 21, inclosing a letter from Miss Lena Ranson, Wichita, Kans., and a copy of one from J. W. Carl, asking as to the status of Philomene Donnell, a pupil at this school. In reply I would state that Philomene Donnell is a mixed breed White Earth Chippewa, 20 years of age. Concerning this transaction with J. W. Carl, I would say that the statements set forth in Miss Ranson's letter are correct, so far as they go. Further that upon receipt of a letter from Mr. Carl to myself, dated August 6, 1909, I transmitted all papers including the check left by Carl to Supt. J. R. Howard at White Earth, asking him to take such action to protect the girl's interest as was necessary. I also advised the party to whom this land was leased near Mahnomen to file a les pendens against the transfer. A few days after this I happened to be at White Earth Reservation, where I met Special Inspector E. B. Linnen, of the Interior Department, and Special Agent Moorehead, and went over the matter with them, furnishing my affidavit as to the facts of the case so far as I knew them.

Upon my return home, I also secured an affidavit from Miss Donnell and also one from Miss Ranson at Wichita, Kans., which have been forwarded to Inspector Linnen. A copy of these affidavits we also furnished Attorney Beum of Mahnomen, Minn., who it seems is representing the relatives of the girl, so that everything possible to prove this transaction a fraud has been done. About two weeks ago, J. W. Carl and Mr. Donnell, father of the girl, came down to the town of Flandreau and remained in this vicinity for several days, endeavoring to have a private interview with the girl. Before leaving they had an interview with the girl in the presence of Mr. Harris, clerk in charge, and Miss Brisbois, a Chippewa girl employed as assistant nurse. In this interview Mr. Carl offered the girl $700 for her 40 acres, if she would make another deed correcting the former fraudulent transaction. The girl positively declined to sell the land at any price. Mr. Carl thereupon offered to transfer the title back to her if she would return his $500 check. Mr. Harris informed him that this check was in the possession of the agent or inspector at White Earth Agency and referred him to them for further information concerning the transaction.

As to the legality of the transaction, I would state that the girl being a mixed breed is entitled to make a sale, however, the deed as recorded, shows it to have been executed before J. W. Carl at Mahnomen, when in fact the deed was never executed, and the girl has not been outside of the State of South Dakota for several years, consequently the deed is null and void.

I understand that Inspector Linnen will take steps to have the record cleared and will deal with Mr. Carl.

Very respectfully,

CHAS. F. PEIRCE,
Superintendent.

BURCH'S EXHIBIT No. 48 A.

John W. Carl, Real Estate. No. 1078.

MAHNOMEN, MINN., *July 13, 1909.*

Pay to the order of Philomene Donnell, ($500.00) five hundred dollars.

JOHN W. CARL.

To THE FIRST NATIONAL BANK, *Mahnomen, Minn.*

BURCH'S EXHIBIT No. 48 B.

[Warranty deed.]

This indenture, made this 13th day of July, in the year of our Lord nineteen hundred and nine (1909), between Philomene Donnell, a single woman, of the county of Mahnomen and State of Minnesota, party of the first part, and Henry Birkett, of the County of Mahnomen, in the State of Minnesota, party of the second part,

Witnesseth, That the said party of the first part, for and in consideration of the sum of $500, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the said party of the second part, his heirs and assigns forever, all that tract or parcel of land lying and being in the county of Mahnomen, in the State of Minnesota, described as follows, to wit: The northeast quarter of the southeast quarter of section 3, in township 144 north, of range 42 west, of the fifth principal meridian in Minnesota, containing 40 acres.

To have and to hold the same, together with all the hereditaments and appurtenances thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs and assigns, forever. And the said Philomene Donnell, party of the first part, for her heirs, executors, and administrators, do covenant with the party of the second part, his heirs and assigns, that she is well seized in fee of the lands and premises aforesaid, and has good right to sell and convey the same in the manner and form aforesaid and that the same are free from all incumbrances whatsoever, and the above bargained and granted lands and premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part will forever warrant and defend.

It is expressly stated and represented by the grantor herein, with a full knowledge and understanding that it is reliance upon such statement and representation that the grantee herein purchase the above described property; that said property is located within and is a part of what was formerly known as the White Earth Indian Reservation in the State of Minnesota; that the said grantor is of the age of 18 years, and is a mixed-blood Indian of the said reservation; and that, as such adult mixed-blood Indian of the said reservation, the said grantor comes within the purview of an act passed by the Fifty-ninth Congress of the United States, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907," which act is in part as follows:

"That all restrictions as to the sale, incumbrance, or taxation for allotments within the White Earth Indian Reservation, in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the department for such allotments are hereby declared to pass the title in fee simple, or such mixed bloods, upon application, shall be entitled to receive a patent in fee simple for such allotments."

In testimony whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

PHILOMENE DONNELL. [SEAL.]

Signed, sealed, and delivered in the presence of—
JOHN W. CARL,
LOYD WILLIAMS.

STATE OF MINNESOTA, *County of Mahnomen, ss:*

On this 13th day of July, A. D. 1909, before me, a notary public within and for said county, personally appeared Philomene Donnell, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

[SEAL.] JOHN W. CARL,
Notary Public, Mahnomen County, Minn.

My commission expires January 21, 1914.

[Warranty deed No. 9165.]

OFFICE OF REGISTER OF DEEDS,
County of Mahnomen, Minn.

I hereby certify that the within instrument was filed in this office for record on the 23d day of July, A. D. 1909, at 1 o'clock p. m., and was duly recorded in Book 18 of Deeds, on page 428.

J. H. SULLIVAN.

Taxes paid and transfer entered this 23d day of July, 1909.

ALFRED AAMOTH, *County Auditor.*

Not on the 1908 tax list.

A. J. ANDERSON, *County Treasurer.*

[Certificate of county authenticating copy.]

STATE OF MINNESOTA, *County of Mahnomen, ss.*

I, J. H. Sullivan, register of deeds of the county aforesaid, do hereby certify that I have carefully compared the annexed copy of warranty deed given by Philomene Donnell to Henry Birkett, with the original warranty deed in this office, and that the same is a true and literal exemplification thereof, and a correct transcript therefrom and of the whole of each of said originals as the same appears upon the records and files of this office.

In witness whereof I have hereunto set my hand and caused the seal of my said office to be affixed at Mahnomen, in said county, this 14th day of September, A. D. 1909.

[SEAL.] J. H. SULLIVAN,
Register of Deeds.

BURCH'S EXHIBIT NO. 48C.

[Quit-claim deed.]

This indenture, made this 13th day of October, in the year of our Lord one thousand nine hundred and nine (1909) between Henry Birkett and Claudia M. Birkett, his wife, of the county of Mahnomen and State of Minnesota, parties of the first part, and Philomene Donnell, of the county of ——— and State of ———, party of the second part,

Witnesseth, that the said parties of the first part, in consideration of the sum of $1 and other consideration to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, remise, release, quitclaim, and convey unto the said party of the second part, her heirs and assigns, forever, all the following tract or parcel of land lying and being in the county of Mahnomen, and State of Minnesota, described as follows, to wit: The northeast quarter of the southeast quarter of section 3.144-42.

To have and to hold the above quitclaimed premises, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the said party of the second part, her heirs and assigns, forever.

In testimony whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

HENRY BIRKETT. [SEAL.]
CLAUDIA M. BIRKETT. [SEAL.]

Signed, sealed, and delivered in presence of—
H. S. FRAZER,
J. E. BEESON.

STATE OF MINNESOTA, *County of Mahnomen, ss.*

On this 13th day of October, A. D. 1909, before me, a notary public, within and for said county, personally appeared Henry Birkett and Claudia M. Birkett, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

[SEAL.] H. S. FRAZER,
Notary Public, Mahnomen County, Minn.

My commission expires January 14, 1914.

[Quit-claim deed 10141.]

OFFICE OF REGISTER OF DEEDS,
County of Mahnomen, Minn.

I hereby certify that the within instrument was filed in this office for record on the 18th day of November, A. D. 1909, at 3 o'clock p. m., and was duly recorded in book 18 of deeds, on page 90.

[SEAL.]

J. H. SULLIVAN,
Register of Deeds.

Taxes paid and transfer entered this 18th day of November, 1909.

ALFRED NAMOTT,
County Auditor.

Paid.
LOUIS BRISBOIS.

BURCH'S EXHIBIT NO. 48 D.

The ATTORNEY GENERAL.

SIR: I have the honor to transmit herewith certified copies of certain affidavits and of correspondence regarding the alleged fraudulent procurement of a deed from Philomene Donnell, a pupil under 21 years of age at the Riggs Institute, Flandreau, S. Dak., by John W. Carl and Henry Birkett, of Mahnomen, Minn.

Philomene Donnell is a mixed-blood Chippewa Indian, born in May, 1891, who was allotted the NE. ¼ of the SE. ¼ of sec. 3, T. 144 N., R. 42 W., in Minnesota. The restrictions were removed from the allotments of adult mixed-blood Indians by act of June 21, 1906 (34 Stat. L., 325-353). A certified copy of the deed in question is inclosed, and it purports to convey the land described to Henry Birkett, above named; also the check of John W. Carl, on the First National Bank of Mahnomen, Minn., payable to Philomene Donnell, in the sum of $500.

The facts relating to the procurement of this deed are set forth in the report of United States Indian Inspector E. B. Linnen, dated September 22, 1909, a certified copy of which is transmitted herewith.

Attention is invited to the fact that the deed purports to have been acknowledged before John W. Carl, a notary public in and for Mahnomen County, State of Minnesota, on July 13, 1909.

Miss Donnell sets out in her affidavit made September 10, 1909, before F. A. Warren, a notary public in and for South Dakota, that she was not outside the State of South Dakota for several months prior to September 10, 1909, and that any deed or other paper purporting to have been made or signed by her outside that State is a forgery, and for this and other reasons set forth in her affidavit, she asks under oath that any deed on record be set aside as having been procured by fraud.

The signature to the deed in question purports to have been witnessed by John W. Carl and Loyd Williams. Miss Donnell admits that Mr. Carl interviewed her at the Riggs Institute in Flandreau, S. Dak., but avers that no other person or persons were present during this interview with her.

In view of the fact that the White Earth Indian Reservation matters have been placed in the hands of special attorneys of your department for appropriate action, it is respectfully requested that this case be laid before them for such proceedings as the facts and the law warrant, regarding the cancellation of the deed.

It appears from the facts in the case that John W. Carl and Henry Birkett, and perhaps Loyd Williams, entered into a conspiracy under section 5440, Revised Statutes of the United States, as trustees for the allottee named. Section 5440 is as follows:

"If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than $1,000 and not more than $10,000 dollars, and to imprisonment not more than two years."

Especial attention is invited to the fact that the deed is alleged to have been acknowledged before a notary public in and for Minnesota, while the allottee, Miss Donnell, declares in her affidavit that she was not in the State at that time (July 13, 1909), but, on the contrary, was in the State of South Dakota. Even if she had sold the land and affixed her signature to the deed in South Dakota, it appears that her acknowledgement, in order to be valid, should have been taken before some officer authorized to take acknowledgements in the State of South Dakota, or, in other words, that the instrument should have been executed in accordance with the laws of that State, as she was residing therein at that time.

Should the law and the facts not justify proceedings under section 5440 for conspiracy, it is respectfully requested that the special attorneys named be instructed to consider the question of forgery of the deed, and if they conclude that this is not an offense against the United States, but one within the jurisdiction of the State, that they communicate with the prosecuting attorney of the proper county thereof respecting the matter, advising the Indian Office of their action, so that it may render the prosecuting attorney such assistance as he may ask.

In case you direct the proceedings as requested, and upon your advice to this department to that effect, the Commissioner of Indian Affairs will instruct the superintendent of the White Earth Indian School, White Earth, Minn., to render the special attorneys such assistance in the matter as the latter may desire.

Very respectfully,

R. A. BALLINGER,
Secretary.

BURCH'S EXHIBIT No. 48 E.

DEPARTMENT OF JUSTICE,
Washington, April 9, 1910.

E. H. LONG, Esq.,
Special United States Attorney,
Detroit, Minn.

SIR: Inclosed herewith you will find a copy of a letter from the Secretary of the Interior, dated March 31, 1910, together with its inclosures, which include certified copies of certain affidavits and of correspondence regarding the alleged fraudulent procurement of a deed from Philomene Donnell, a pupil under 21 years of age at the Riggs Institute, Flandreau, S. Dak., by John W. Carl and Henry Birkett, of Mahnomen, Minn. Please file these inclosures for as prompt action as circumstances will permit.

Respectfully,

J. A. FOWLER,
Acting Attorney General.

BURCH'S EXHIBIT No. 48 F.

By Mr. HINTON:

Philomene Donnell, a mixed blood, born May 14, 1891, traded her allotment for a house and lot in Mahnomen, said to be worth a thousand or twelve hundred dollars, to Louis Brisbois of that place. Deed to Louis Brisbois and wife dated December 31, 1909.

Elizabeth Brisbois went to Flandreau, S. Dak., with papers for Miss Donnell to sign; Brisbois and wife have not executed a deed to Miss Donnell for the house and lot. He was called on to execute a deed to Miss Donnell and send it to Detroit office, with an abstract of title and a certificate that there are no taxes due or unpaid on the property before any consideration would be given to the application for a fee simple patent. Their post-office address is at Mahnomen.

Consider this matter in connection with the criminal case against John W. Carl and Henry Birkett regarding the former deed.

HINTON.

DETROIT, *July 6, 1910.*

Mr. GRAHAM. Mr. Beaulieu, do you desire to ask any questions of this witness?

Examined by Mr. BEAULIEU:

Q. Mr. Linnen, is Miss Donnell a full blood or a mixed blood Indian?—A. According to the information I have, she is a mixed blood.

Q. You say she was 20 years of age at the time this transaction took place?—A. I did not say so, but I think she stated that, herself, in her own affidavit.

Q. Well, I mean that.—A. Yes.

Q. Do you know whether she can speak Chippewa?—A. I never met the girl, to my knowledge. I don't know.

Q. Did you make a thorough examination of this case on the reservation among people who may have known?

A. I talked with several of her friends who lived at Mahnomen with relation to it, who claimed to know something of the situation, one being the friend, I think, who referred the matter to Attorney Beum, and I took the affidavit of Superintendent Peirce myself with relation to the matter.

Q. Well, now, did the Indian Office, or did the Indian Department, have any jurisdiction over this case?—A. As to that I could not say, but they might make a particular recommendation in the premises, and refer it to the parties who did have. If a conspiracy could have been proven, they would have had, I believe.

Q. As a matter of fact, does not Miss Donnell come strictly within the purview of the Clapp Act?—A. As stated by her affidavit, she is of age and a mixed blood.

Q. And an allottee of the White Earth?—A. An allottee of the White Earth Reservation; yes.

Q. Mr. Carl is an Indian, is he not?—A. He is an Indian, or part Indian; yes, sir.

Q. And you are an Indian inspector?—A. Yes, sir.

Q. Now, isn't it usually a custom for inspectors to go and examine both the defendants and the complainants, in cases where two Indians are mixed in a controversy?—A. It has never been my policy to go to anybody whom I believed guilty of a wrong, and question them, with the evidence I had.

Q. In other words, you did not follow the usual custom of other inspectors?—A. I followed the custom of good, honest judgment, good sense.

Q. Mr. BEAULIEU. I think that is all.

Mr. BURCH. So do I.

Mr. GRAHAM. Mr. Linnen, do you know whether it is customary with inspectors to do as Mr. Beaulieu suggested?

Mr. LINNEN. I do not believe that any inspecting official who understands his business would go to the accused party and question him with something that he believed to be a criminal act or wrongdoing on his part. I never heard of such a thing.

Mr. BEAULIEU. I would like to ask one more question. Were you up there in the capacity of a prosecutor of criminals, or were you there simply as an Indian inspector?

Mr. LINNEN. I was up there to get evidence against criminals and against land sharks who had defrauded the Indians. In other words, I was there to get evidence and the facts, no matter what it developed into. Very often my investigations developed criminal acts.

Mr. BEAULIEU. I do not know as that answers my question exactly, whether you have been up there as a criminal prosecutor or as an Indian inspector.

Mr. LINNEN. I was up there to investigate for the Interior Department.

Mr. BEAULIEU. As an Indian inspector?

Mr. LINNEN. As an inspector, not an Indian inspector—as an inspector.

Mr. BEAULIEU. Inspector of Indian matters.

Mr. LINNEN. At that time I was working on Indian matters.

Mr. BURCH. At this time I desire to call the attention of the committee to the fact that a subpœna was recently issued for Mr. Hovey C. Clarke, to attend upon the committee as a witness and an attempt has been made to serve it, which has proved unsuccessful. The representative of the Nichols-Chisholm Lumber Co., of which Mr. Clarke is a member, is here, and as we are somewhat embarrassed by our failure to obtain service upon him, I would like to ask respectfully of that representative if Mr. Clarke is within reach, or whether he can be considered within the call of the committee, during any reasonable time, say two weeks, that the committee may be in this vicinity, or later at Washington, say, within 90 days from the time we came here. Mr. Powell represents that company, and I would like to know if he can give the information?

Mr. GRAHAM. May we hope to have Mr. Clarke with us?

Mr. POWELL. I am afraid not, Mr. Chairman. Mr. Clarke left Minnesota, I believe, last Sunday night, a week; and since the question has come up, it is only fair to the committee that I make a statement on behalf of Mr. Clarke. Mr. Clarke received no intimation whatever that he was wanted in any connection with relation to this matter until his office was visited on Monday preceding the call of the committee on Tuesday, the day after he had gone. And I want to state right here in this connection that Mr. Clarke is not now, and for a long time has not been an officer, nor in any manner connected with the Nichols-Chisholm Lumber Co., except, I believe, as an employee. I think he has been employed for consultation; but Mr. Clarke sold out his interest in the Nichols-Chisholm Lumber Co. quite a little while ago, I think a year or two ago, I can not give the exact date; and while he has his office at the same place, he has practically retired from business. Now, Mr. Clarke, I am informed—I am stating merely my information—had, with his wife, arranged an extensive trip which they had been planning for some time, in accordance with his usual custom, and really remained as late as he did to attend the funeral of his partner, Mr. Shevlin, and as soon as the funeral was over, which took place on Saturday, Mr. Clarke carried out his purpose, which he had arranged months, or at least weeks before this, and started on this trip. I think that the trip contemplates a European journey, and perhaps into Egypt. I do not know how far he is intending to go. He is spending the winter abroad, and will not be back before spring, anyway. That is the situation.

Mr. BURCH. Thank you very much.

Mr. GEORGE. Where is he now, if you please?

Mr. POWELL. Well, I would have to inquire to find out. I do not know whether he has sailed from the country or not. All I know is that he has started on that trip and had gone some time before the subpœna came to his office. His office force has informed me of that within the last day or so. Since this proposition came up, it was brought to my notice that the subpœna was out for him.

Rev. CHARLES WRIGHT, sworn by the chairman, testified.

Mr. BURCH. We desire to introduce Rev. Charles White, one of the Christian heroes of this story, otherwise known as Chief White Cloud. Mr. Wright informs me, Mr. Chairman, that there are some words that he can not quite catch in English, and requests that Miss Margaret

Warren might be asked to—perhaps not fully act as an interpreter, but to put him right on any matter which is not quite clear to him. I don't know exactly what course we should pursue.

Mr. GRAHAM. Mr. Beaulieu, will you take a seat very closely, so that you may aid us in this proceeding? Miss Warren, will you please come forward. We will have to swear Miss Warren. if she is to act as interpreter. As I understand it, Miss Warren, you will not be called upon now to interpret, but to explain to the witness when he does not understand. At least we will try it that way.

Miss Margaret Warren was sworn as interpreter.

Examined by Mr. GRAHAM:

Q. Give your full name, Mr. Wright.—A. Charles T. Wright.

Q. Where do you live now?—A. Cass Lake.

Q. In what county is that?—A. Cass County.

Q. Where is Cass County from Mahnomen County?—A. Mahnomen County is west from Cass Lake.

Q. How long have you lived in that part of the country?—A. Ever since when I was a boy. I was raised in the county, at Leech Lake, around there, and Gull Lake.

Q. When you can first remember, I mean.—A. At Crow Wing.

Q. Crow Wing, Minn.?—A. Crow Wing, Minn.

Q. Is it very far from White Earth?—A. It is; it must be about—over 100 miles.

Q. In what direction?—A. It is northwest.

Q. You are called chief, are you, chief of your band or tribe?—A. I was born that way.

Q. How did you come to be a chief?—A. My father was a chief.

Q. What was his name as chief?—A. His name was White Cloud.

Q. Have you a name as chief?—A. My own name is Nachotin.

Q. Is that an English name?—A. That means "twins."

Q. Are you a twin?—A. Yes, sir.

Q. When did your father, White Cloud, die?—A. He died in 1898.

Q. Well, was any action necessary on the part of an Indian band to make you chief, or did the fact of his death make you chief?—A. No. In 1893 we had an annual celebration at White Earth Reservation, on the 14th day of June, and he made a speech before the people, before he got sick, and he says: "When I die," he says, "I leave it my oldest son, Nachotin, Charles Wright, my position." Now, since that time until he died he never changed his mind.

Q. Under the customs of the tribe had he the right to say who should be chief when he died?—A. That is the custom; yes. That is the custom among the Indians; yes.

Q. Are you a full-blood Chippewa?—A. I am not a full blood. My grandmother on my mother's side, she was a half white and half Indian, and my mother she was a quarter, and I don't know how much I got.

Q. You are now a clergyman?—A. Yes, sir.

Q. Of what denomination?—A. Episcopal.

Q. An ordained clergyman?—A. Yes, sir.

Q. When were you ordained?—A. I was ordained in 1877.

Q. Where?—A. White Earth.

Q. And when did you get full orders?—A. In 1908.

Q. Where is your church—your congregation?—A. I have four churches. I look after one at Cass Lake (the Indian Mission), one at Bena, one at Ogema, and one at the old agency at Leech Lake Reservation.

Q. Are there also schools at these reservations?—A. No; just Government schools they have there.

Q. Where did you yourself go to school?—A. I never had a chance when I was a boy. I never was in school when I was a boy. When I was 18 years I don't know anything. I educate myself partly and some people helped. Bishop Whipple helped me, and so I got a little education. For that reason I don't know much about English. I never had a chance when I was a boy.

Q. The services you conduct are carried on in Chippewa tongue, are they?—A. Yes, sir.

Q. Altogether?—A. Altogether; yes, sir.

Q. Do you preach in the Chippewa language alone?—A. Yes, sir.

Q. Do you ever preach in English?—A. Oh, I say a few words to them. When people want me to say to them, I sometimes talk to them a few words.

Q. How about your congregations? Do they speak English mostly?—A. The young people do; yes.

Q. To what extent are the young people connected with your church; that is, are all the children of the church people baptized soon after birth?—A. Yes, sir.

Q. And are all those who are baptized afterwards confirmed when they get older?—A. Yes, sir.

Q. Now, how well do they stick to the church after that?—A. Not all of them.

Q. (To the interpreter.) Miss Warren, is there such a word as "backslider" in the Indian language?

Miss WARREN. He told me the reason why these young people leave the church.

Q. What I want to get at is, what proportion fall away from the church.

The interpreter puts the question.

Mr. BEAULIEU. I think I can do it better. [Mr. Beaulieu speaks to witness.]

Miss WARREN. He says that one-third of them drop away—one-third.

Q. Mr. Wright, does your position as chief give you any real power among your people?—A. No, no. That is, unless it were when my people want to do some business. They council among themselves. When they have decided to do something, perhaps they give me the petition to take down, the petition for them down to Washington, so I do that since my father died.

Q. When they are having a council, you are with them, are you not?—A. No; only sometimes. Not every council they have. I can not go.

Q. When they have council, do they choose some one person who is the head of the council, as it were?—A. Yes.

Q. Well, if you are present have you the right without being chosen to sit as head of the council?—A. Yes; they do that; yes.

Q. As a matter of fact, when you are present do you always sit as head of the council?—A. Yes, sir.

Q. Are there other chiefs of that band?—A. Yes, sir.

Q. What particular band was this?—A. The Mississippi Chippewa Indians.

Q. How many chiefs of that band are there?—A. That Chief—I don't know about—May-zhuc-e-ge-shig.

Q. Well, without calling their names?—A. About half a dozen—more than half a dozen. More than that.

Q. But the others have not equal power with you, have they? Are you over all of them as chief?—A. So they say; yes.

Q. That is what you are, a sort of head chief?—A. So they say.

Q. Well, what is your understanding?—A. That is the way I understand it.

Examined by Mr. BURCH:

Q. How old are you, Mr. Wright?—A. I am past 60 years old.

Q. Can you carry your memory back to the location of the White Earth Reservation?—A. Yes, sir.

Q. Were you one of the committee that went to select the White Earth Reservation, were you one of the members of the commission?—A. Yes, sir.

Q. Were you one of the members?—A. Yes, sir.

Mr. BEAULIEU. I don't think Mr. Wright understands that question. In justice to him he should understand. I don't want Mr. Wright to state something that is not true, when he does not understand the question.

Mr. GRAHAM. Indeed you are right, Mr. Beaulieu.

Mr. BEAULIEU. Will you let me explain to him? (Mr. Beaulieu speaks to witness.)

WITNESS. Oh, no; I thought you meant——

Q. I knew you didn't understand.

Mr. GRAHAM. What is the result of your explanation?

Mr. BEAULIEU. I asked if he was one of the committee that went and selected the White Earth Reservation, and he said "no."

Mr. BURCH. Were you there when it was selected, were you at White Earth when it was picked out—selected?—A. No, sir.

Q. Do you know who did it, who selected it, who the committee were, who the men were?—A. I don't know; I have heard Chief Hole-in-the-Day went there; that is all I know; I don't know who went with him. I don't know who they are.

Mr. GRAHAM. Judge Burch, it may possibly expedite matters to use the interpreter. What do you think? Evidently there are many things that he does not understand. Try it for a while, Miss Warren; take the chair beside Mr. Wright, if you please.

Miss WARREN. I don't think I can handle the Indian language any better than he can himself.

Mr. BURCH. Well, try it, Miss Warren.

Mr. GRAHAM. Try it that way for a while and see how it will work.

The examination of the witness was continued through Miss Warren as interpreter.

Q. Did you have an original allotment on the White Earth Reservation—a first allotment?—A. Yes; yes, I have.

Q. Do you remember the time when the additional allotment was made?—A. Yes, I think so.

Q. Were you present when it was made—on Easter Monday, 1905?—A. I was at the Leech Lake Agency.

Q. Did you apply in writing for an additional allotment on account of your absence?—A. No, sir. No, sir.

Q. Did you give any attention to the subject of an additional allotment for yourself at that time?—A. It was Easter Sunday—Easter Sunday, and then I understood they are going to have another 80 acres for the White Earth Indians additional, right after Easter Monday. So I couldn't leave my mission; I had to stay in my church, so for that reason I was not there when they had the additional allotments.

Q. At any time after that did you receive word to come to White Earth?—A. No, sir.

Q. I mean some time afterwards, word from Pin-de-gah-ge-shig to come to White Earth?—A. Yes, yes. That is right.

Q. Do you remember about the time that was, what month, how long after Easter?—A. I think—I think some time in the month of August, I think—I am not sure.

Q. Did they not send for you to come and did you not come about two weeks after Easter, the first time?—A. No; no. I don't remember.

Q. Do you remember coming there and sending afterwards a petition against the allotment, to Washington, about two weeks after the allotment happened?—A. Two weeks after?

Q. Sending a petition to Washington?—A. Yes, yes; I remember that. Yes; that is right.

Q. You did then, come———A. Yes, yes.

Q. Who sent you word to come?—A. George Walters. George Walters sent a telegram to Cass Lake to come to White Earth.

Q. And you went?—A. I came; yes, sir.

Q. Did they complain to you about wrongs in the additional allotment?—A. Yes, yes. I was going home. I was sitting in the buggy ready to go home. A man came; he had a paper. It was Pin-de-gah-ge-shig. He said, "You must sign this paper." "This paper," he says, "44 persons who have pine claims—took pine claims on this reservation, who are not belonged on this reservation and sign this and send it to Washington." So I did it.

Q. Charging that 44 persons who were white, who were not entitled to an allotment, had received pine allotments, and they signed the paper and said you should sign it and send it to Washington, and you signed it and went away?—A. Yes.

Q. Did you mail your letter at Detroit?—A. I did; yes, sir.

Q. On your way home?—A. Yes, sir.

Q. To Cass Lake?—A. Yes, sir.

Q. Did you get any reply or answer from that letter?—A. Yes. George Walters sent a telegram to Cass Lake again, calling me to come, so I came.

Q. To White Earth?—A. To White Earth.

Q. That was months afterwards?—A. Yes, sir.

Q. Did you meet an agent there when you came, named Downs?—A. Yes, sir.

Q. Will you tell what happened?—A. He said the Government sent me up; that we receive this petition—44 names here—persons

who have pine claims on this reservation, who are not belonged on this reservation, and then we had council with him, I guess we had council with him twice, and then he went back. I don't know where he went to. And in a few days came back and says—and we had a coucil with him again. He says, "I am going to sit here about two or three months; I am going to make reallotment, reallotment." So some people they kicked.

Q. Who were they?—A. Those mixed bloods; called "mixed bloods."

Q. Could you name any; call any names?—A. There is one of them now, my friend, Mr. Gus Beaulieu.

Q. And Mr. Fairbanks?—A. Fairbanks; yes.

Mr. BEAULIEU. Well, let him name them, Mr. Burch.

Mr. BURCH. Well, I would like to have them. You name them. You tell them, as far as you can remember.

A. Yes; those, Gus and Ben Fairbanks, was there, too, and I heard they went—they came from St. Paul; come to big man—Senator Clapp, may be—talked to him and then passed him down—knocked him down.

Q. That is, they had him taken away?—A. Yes; and then a new inspector.

Q. Now, do you remember about the time you were over there to see Agent Downs; that is, Inspector Downs—do you remember about the month?—A. I think—no, sir; I don't remember—but some time——

Q. All right then, if you can't remember. Do you remember a man by the name of A. G. Bernard?—A. Yes, sir.

Q. Editor at Cass Lake?—A. Yes, sir.

Q. Of a paper called the "Cass Lake Voice"?—A. Yes, sir.

Q. Called "Colonel Bernard" sometimes?—A. Yes, sir.

Q. Did you get a letter from him?—A. Yes, sir.

Q. (Hands paper to witness.) Was that it?—A. Yes, sir; that is the same one.

Mr. BURCH. Would anybody like to see this letter before I offer it?

Mr. BEAULIEU (inspects the letter, remarking). I have no objections to it.

Mr. BURCH. I desire to read into the record:

OFFICE OF THE CASS LAKE VOICE,
A. G. BERNARD, PUBLISHER,
OFFICIAL VILLAGE PAPER,
August 28, 1905.

Rev. CHARLES WRIGHT, *Mission.*

DEAR SIR: If possible I wish that you would come to Cass Lake as early as you can on Saturday. I desire to see you on a most important matter.

Very truly, yours,

A. G. BARNARD.

Mr. BEAULIEU. Has Mr. Wright identified that?

Mr. GRAHAM. He has.

Mr. BEAULIEU. Oh; I didn't know that.

Mr. BURCH. He certainly did.

Q. Did you go to see Mr. Bernard?—A. Yes, sir.

Q. What did he say he wanted? Tell the story.—A. He said: "As I acquainted with you a long time and friendly with you, I would like to help you out some way and give you my advice." "Well," I says, "what? If you will let them people alone, those Indians, those full-

blood Indians; let them alone, we will help you; give you $5,000 worth of pine claim."

Q. Pine claim?—A. Pine claim.

Q. As an additional allotment?—A. Additional allotment; and, "Go to Mr. Warren, Ed Warren; he knows all about the pine land. He will tell you whereabouts the pine is." That is what he said.

Q. You didn't yet have an additional allotment?—A. No; I didn't.

Q. Were you entitled to one?—A. Yes, sir.

Q. You never got one, did you?—A. No, sir.

Q. Until this day?—A. No, sir.

Q. Did you try to get one? Did you ask for one?—A. I asked. Yes; I asked for it; but no place for me at White Earth Reservation.

Q. No land for you?—A. No land for me.

Q. Whom did you ask?—A. I asked Maj. Howard, and he found me one.

Q. But, before that, did you ask anybody?—A. Yes; but I asked him before I asked anybody.

Q. Whom did you ask first for one?—A. I think I wrote to the Commissioner of Indian Affairs; yes.

Q. Oh, did you ask Agent Michelet at any time for one?—A. Yes, sir; I did.

Q. What did he tell you?—A. He selected one for me. It they call "mill reserve." Select for me 80 acres of land.

Q. Where was the mill reserve?—A. That was for my additional allotment.

Q. Oh, on the mill section?—A. Yes, sir. And then Mr. Howard, he opposed to it.

Q. Was this after this reservation by Mr. Michelet, while he, Michelet, was yet the agent?—A. Yes, sir.

Q. That he selected it for you?—A. Yes, sir.

Q. And afterwards, because it was on the mill reserve, Maj. Howard opposed giving it to you?—A. Yes, sir.

Q. So that you have never got one yet?—A. Yes, sir.

Q. Are you a rich man or a poor man?—A. I think I am a poor man. I have no home anywhere. I don't belong—I don't know any house to live in. I walk from place to place.

Q. Is your daughter in our service at Detroit, Minn., as stenographer—your only daughter?—A. Yes, sir.

Q. Earning her own living?—A. Yes, sir.

Q. How much salary do you draw?—A. Me?

Q. Yes. A. $30 a month.

Q. Is that all?—A. That is all.

Q. You have to live on $30 a month?—A. $30 a month.

Q. And walk from place to place in your mission work?—A. Yes, sir.

Q. Mr. Wright, later, did you get called again to White Earth—later on, after you saw Mr. Bernard—Oh, what did you tell Mr. Bernard about the $5,000?—A. Well, I told him I can't—I don't want to leave my people. My father, my deceased father, gave me his advice before he died to stand by them—our people. He gave me his advice before he died to stand by them—our people. Full-blooded Indians—never to leave them, to work for them; that is what he—I told him that I don't want——

Q. You told Bernard that?—A. Yes, sir.

Q. You refused?—A. Yes, sir; I refused.

Q. Did Bernard say who told him to offer it to you, to offer this $5,000 pine allotment to you?—A. No, sir; I don't. No, sir; I don't. I do not.

Q. Were you asked to come over to White Earth again in October?—A. Yes, I think so.

Q. Did you come?—A. Yes.

Q. The people wanted you to come again to council?—A. Yes, sir.

Q. Did they have a council?—A. Yes, sir.

Q. That is, what they called a council?—A. Yes, sir.

Q. Was there one Maj. McLaughlin there?—A. Yes, sir.

Q. What was the trouble that time; what was the difficulty then—what did they have a council for then?—A. And then we had a council with them. One or two days, I think, and on the second day we counsel with them; I think he said to us, "Now you will vote—you have to vote"——

Q. Wait, now.

The INTERPRETER. The council, he says, was about to see if the allotments should stand as they were or not; they were to vote, and the majority would rule.

Q. And the majority would rule? [To the interpreter] Ask him if he had expected that to happen, when Maj. McLaughlin told him this—if he had expected that would happen—a vote, a majority vote.

The INTERPRETER. He was called suddenly; he had not thought what was to be done.

Q. Who talked most for the full bloods, or the complaining parties at the council?

The INTERPRETER. He was one that talked—and Pin-de-ga-ge-shig who is now dead. He talked for the Indians, but there was a good deal of talking on both sides, he explains to me.

Q. When McLaughlin reported, he stated that he would have to vote—whether he understood or not—what happened then? What happened after Mr. McLaughlin said you would have to vote.

The INTERPRETER. He says that when McLaughlin said that they should now vote, Pin-de-ga-ge-shig stood up and said that they were not very well represented, the Indians were not, and had allowed four days so all could gather and meet the other party, and McLaughlin said "no," that they had to vote, that day, right away, and the Indians stood up and said they would not vote and they walked out. And probably five of the Indians remained to see what was being done. As I stated, there were already five Indians who remained, and sixty of the other party voted, and that report McLaughlin sent in to the commissioners.

Q. All right. When you speak of Indians, do you mean the full-blood Indians, or the mixed-blood Indians?

The INTERPRETER. He speaks of the Indians and the mixed bloods as separate, and that the mixed bloods wanted the allotments to stand as they already were.

Q. And the Indians, what he calls the Indians, the full bloods, did not wish it.—A. They didn't wish it.

Q. They didn't wish it to stand?—A. No.

Q. When did you go home to Cass Lake, after that, Mr. Wright?—A. I think I went home soon after that.

Q. You went soon after?—A. I went home soon after we had had council with McLaughlin.

Q. Did you take any action after that, and if so, what? What did you do after that?—A. I didn't do anything. The rest of the Indians did, numbering 370 Indians. They made a petition, and when they had finished the petition, they called me and I came, and the Indians wanted to give me $60. They gave me $60 in money to take the petition to Washington, to present it to the Commissioner of Indian Affairs, and the petition was for a reallotment.

Q. Did you go?—A. Yes, I went.

Q. Is that all the money you had?—A. That is all the money I had.

Q. Did you borrow money from anybody else to help out?—A. Yes; I borrowed money in the bank at St. Paul, $50. That $60 wasn't enough to go to Washington and back.

Q. Did you take letters down there from anybody?—A. Governor Johnson gave me his introduction to see the President of the United States, down in Washington, and I have it here, his letter, I think.

Q. No; never mind about that. Did you get a letter from anybody else, any Senator?—A. From Senator Nelson, the same thing, an introduction to see the President. And then when I got down to Washington, I went to see Commissioner Leupp and handed him that petition. He said "no." There is no show. He shook his head. He said the allotment to be stand. So I didn't do anything, because he din't wish to listen to me, and so I was with—I called on Rev. Mr. Gilfillan at Washington——

Q. Rev. Joseph A. Gilfillan?—A. Yes, sir. He was my interpreter, and we talked to the commissioner, both of us; but the commissioner won't listen to us. And then after——

Q. (Hands letter to witness.) Do you know that letter?—A. Yes, sir.

Q. Go on.—A. And then we tried to see the President. I was ready to say something to him in regard to the trouble we had up to White Earth—Roosevelt—so I sended this letter, Johnson's letter and Nelson's letter. I wanted to talk with him, see him a few minutes. He sent word to me, he says: "I can't see you unless if you will get permission from the Commissioner of Indian Affairs. So Commissioner of Indian Affairs he won't let me."

Q. You got this letter? Did the Commissioner then send you this letter?—A. (Witness laughs.) That is right.

Mr. BURCH. I desire to read into the record, as a part of this story, the following:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, November 27, 1905.

Rev. CHARLES T. WRIGHT,
Capital Hotel, Pennsylvania Avenue and Third Street,
Washington, D. C.

MY DEAR MR. WRIGHT: I have communicated with the White House and find that it will not be convenient for the President to see you. I shall later write you a letter giving you the burden of what I was saying to you orally the other day, and for that reason I will take the liberty of keeping the papers you left with me a few days longer. If you leave the hotel in the meanwhile, kindly give the clerk your mailing address, so that anything I mail to you there will be forwarded; or, if more convenient to you, notify me of your change of address, and I will send my letter to you directly wherever you are.

Sincerely, yours, F. E. LEUPP, *Commissioner.*

Q. Did you go home then? What did you do then; go home?—A. Yes. Mr. McLaughlin saw me when we came out of the White House before seeing the President. He says, "Don't mind, Mr. Wright; you have done everything that could be done for your people. Don't mind. Don't be sorry," he says, "because this big man won't listen to you." So I couldn't help it, and I come away.

Q. Home?—A. Go home; yes. That money—I borrowed $50—I returned that money myself—that bank at St. Paul. I paid expense, half of it, and my people they paid half of it.

Q. You saved that out of your little salary and paid that money back yourself?—A. Yes, sir.

Q. Did you afterwards receive a letter, after you came home?—A. Yes, sir.

Q. (Exhibits paper to witness.) Is that it?—A. Yes, sir.

Mr. BURCH. I desire to read into the record, also, this letter:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, December 3, 1906.

Rev. CHARLES T. WRIGHT,
Cass Lake, Minn.

MY DEAR SIR: I am sorry, indeed, if you had any intention, in your letter of September 18, of conveying more than appeared on the surface, which contained simply your personal assertion that the full bloods of your reservation did not wish certain things. I assumed that a man of education like yourself would know that one person's statement of a council can not be entertained without corroborative evidence, and I waited several weeks, as I wrote you the other day, expecting to hear from you at any moment, but to no purpose.

You will remember that last year I wrote you very distinctly in the same line when you put up a similar performance with regard to the allotment. I had taken all the pains I could to get the situation investigated and had put the department to a considerable expense in sending an inspector to the spot and having him hold a council, which your remonstrants did not put in an appearance. If I changed every action of the Indian Office because of the protest of one member of a tribe who has a reputation for habitually protesting, I should never get anything done. Had you made good your statement in your letter of September 18, I could have had the whole subject reviewed, and I thought, after your experience of a year ago and the very plain exposition that I made to you at the time of where your fault in methods lay, you would not stumble into the same sort of error again.

All this by way of trying to treat your correspondence as courteously as I know how. But my habit in dealing with white persons who tell me that they are going to appeal, either to some higher power in the Government or to the public, is always that they would save time by appealing first and considering the matters in controversy afterwards. If you "take the public into your confidence," as you express your intention to do, I hope the confidence will not be betrayed.

Sincerely, yours, F. E. LEUPP, *Commissioner.*

Q. Mr. Wright, did you get anything further from the Indian Office, anything further?—A. Yes, sir.

Q. (Hands letter to witness.) Is that it?—A. Yes; this petition, I took it down to Washington, from the Indians, 370 names, their names on it, and the commissioner he answered that petition.

Mr. BURCH. This is rather a long document. Will the committee have patience to hear it?

Mr. GRAHAM. Are you familiar with its contents?

Mr. BURCH. No; I can guess. No; I am not sufficiently familiar.

Mr. GRAHAM. Are you sufficiently familiar to say whether there is matter in it that is necessary to an understanding of its story?

Mr. BURCH. Yes.

Mr. GRAHAM. We will hear it.

Mr. BURCH. That is, it is an argument, an answer to the petition.
Mr. GEORGE. From whom is this?
Mr. BURCH. The Commissioner of Indian Affairs.
The letter mentioned was here read into the record as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, December 2, 1905.

Rev. CHARLES T. WRIGHT,
Cass Lake Indian Mission, Minnesota.

MY FRIEND: Referring to our long conversation when you called at my office on Saturday, November 25, to your letter to the President dated November 24, and to a petition purporting to represent the wishes of 376 Chippewa Indians—both of which papers you then handed me—I send you this letter, as you requested, that I should put into writing the views I expressed to you orally.

The petition referred to contains the four complaints concerning the allotments of lands recently made on the White Earth Reservation under the Steenerson Act, to wit:

"First. For the reason that 300 allotments of pine lands, or thereabouts, were made to persons who were not entitled to reside upon the reservation, such as to children of white men who married half-breed squaws.

"Second. That contrary to justice, and we are also informed contrary to the direction of said commissioner, more than one valuable pine claim was allotted to members of the same family, in many cases every member of a family receiving pine claims.

"Third. In many cases full-blooded Indians were allotted pine claims that turned out to have been already cut over and having nothing remaining but stumps.

"Fourth. Such allotments of pine lands were so made as to give practically all the best pine land to Indians of mixed blood, leaving for the most part to Indians of the full blood inferior pine land only."

With respect to the first complaint I have only to say that no information which I have been able to obtain casts any cloud upon the rights of any individual participant in the so-called Steenerson Act allotment. The few protests which have come into this office from time to time have been so vague and general in their nature as to be not susceptible of investigation; and in simple justice I could not throw out the claims of mixed bloods allottees by wholesale. If any Indian whose name is attached to this petition will come forward promptly and challenge, on grounds of illegality or fraud, the allotment made to any individual Indian, and submit his proofs, I shall do my best to find out the truth of the matter by special inquiry. It will not do to charge merely that the children of white men who had married half-breed Indian women have no claim to allotment; for they have, in case they belong to one of the bands entitled to allotments under article 7 of the treaty proclaimed April 18, 1867, or to the Ottertail band of pillagers, and provided further that they have received original allotments under the act of January 14, 1889. No child born since July 1, 1900, is entitled to an original allotment, and such children are, therefore, not entitled to lands under the Steenerson Act.

As to the second complaint, the instructions of July 6, 1905, to Special Agent Downs and Agent Michelet respecting the allotment of timbered lands are as follows:

"The allotments under said act should be made in a fair and impartial manner to all the Indians, treating all classes alike—so far as the same can be done in the actual work of dividing the lands. There may be some inequalities because of the carrying values of the different tracts; but these inequalities should be reduced to the smallest practicable number consistent with the fact that each Indian is entitled to 80 acres of land in case there are sufficient lands to make allotments of this quantity to all the Indians.

"If the quantity of 'timber lands' as shown by the schedule which is to be prepared by Supervisor Davis equals or nearly equals the agricultural lands, you are instructed to allot each Indian 40 acres of agricultural lands and 40 acres of timber lands; but should the quantity of timber lands not permit this, then you must allot some of the Indians 20-acre tracts; and where the tracts are especially valuable, because of the quantity of pine timber, you should always allot such lands in 20-acre tracts.

"There may be a number of cases where the Indians prefer the strictly agricultural lands. If there are such, their preference should be respected. This would reduce the number of applicants for allotments of pine lands. The purpose is to make these allotments in a fair and impartial manner, and to the satisfaction of the greatest number of the Indians; and if necessary to accomplish this end slight deviations may be made from the strict wording of these instructions. And in case you require further instructions on any matters, the same should be submitted for this purpose."

No instruction was ever sent to Agent Michelet that not more than one valuable pine claim should be allotted to members of the same family.

To the third and fourth complaints the answer is obvious. If any Indian can show that he was compelled to take a bad allotment chosen by the agent or anyone else in authority, instead of a good one chosen by himself and still free for his choice, or if he can show any other kind of crooked machinations to his injury, I want him to come forward and do so; but I want the proof to be reasonably clear, and I want it presented now, while the Secretary of the Interior can still make changes himself without going into the courts.

In our conversation in this office you told me that one grievance among your faction was that a number of mixed bloods were on the roll who did not belong there, as they had accepted a consideration years before to take themselves off and not demand any further share in the tribal benefits. I asked you whether they had not been restored to the roll by the consent of the other Indians, and you admitted that such was the fact. You explained, however, that some had bought their way back; that others had spent their substance and were pitied by the full bloods; and that others still had been restored because the full bloods had not wished to have any "hard feelings" between the factions.

I dare say your statement of the case may be correct throughout, but where does that leave me? If these mixed bloods are not legitimately on the roll to-day, that is one thing; but if they are legitimately there, even through working upon the cupidity or the sympathies or the goodfellowship of the full bloods, I really do not see how at this late day I can be expected to go behind the clear facts of the record and inquire why each of the Indians who voted his consent did that, and thereby led the Secretary of the Interior to give his approval on the assumption that the vote of the Indians represented their real wishes. If any of these Indians did not wish the mixed bloods to come back, they should not have voted to readmit them. Indians have acquired, in the proverbial literature of our day, a reputation for making a gift or giving their consent to-day and wishing to withdraw it to-morrow. This is something which they are, of course, at liberty to do, but they must not expect that the other parties in interest will yield to their wishes. The white man's way is to vote as he believes and then to consider himself bound by what he has done with entire freedom and with his eyes open.

In your individual letter to the President you say that your people are discontented about the allotments because the rich and educated half breeds and the squaw men took the best pine claims, leaving a poor range of choice for the full-blood Indians, in whose behalf they appeal; and you ask not merely for a reallotment, but for one in which the full bloods shall "take first these pine lands." You even underscore the word "first," so that there can be no mistake as to your meaning. You add that "a white man, in the interests of those rich half breeds and squaw men who have taken those valuable pine allotments" recently offered you "a bribe of $5,000 in pine lands to let this matter alone." Now, my friend, you have given me something that I can take hold of, if you will do your duty in the premises.

The first step will be for you to furnish me at once with the name and address of the white man who offered you this bribe; let me have also any correspondence you may have had with him, and the names of any witnesses who could throw light, direct or indirect, upon the subject. When anyone goes about offering bribes, it is certainly time for us to look into his case.

As regards the success of some of the mixed bloods and squaw men in getting the best allotments, the obvious answer to your appeal is that in any case where you can give me such evidence of fraud as would justify a thorough probing I will put the probe in. I can not accept mere rumors and gossip as evidence, you understand. Neither is it any proof of wrongdoing that one man was prompt with his application for allotment, while another hung back; nor will I consent now to open an investigation if you neglect your opportunities and postpone action until everything has been settled and put out of the way. In other words, you must not feel that you can put off for an unreasonable time the production of the evidence I wish, and then complain because, when you come straggling along after all the business seems to have been closed up satisfactorily, I refuse to tear it open again. Such a course on my part would be an invasion of the rights of others, who have just as much claim to appeal for justice as you have.

When you ask that a reallotment shall be ordered for the purpose of giving the full-blood Indians the first choice of the most valuable lands, you are asking something which it would be a positive wrong for me to do. In the eye of the law the full blood has no right to step in ahead of the mixed blood simply because of the degree of purity in his racial heritage. Both kinds of Indians are on an even footing, and both received the same notification from the agent when the allotting process was to begin. A number of the mixed bloods took quick advantage of the opportunity; so did a number of

the full bloods; but some others seemed to think that to-morrow would be just as good as to-day and took their time about appearing, with the result that they came in too late to get the first benefits of the law. When complaints were made to the agent that these late comers were not able to get into the line of applicants, except at a hopeless distance from the front, he started a new line, although he was not bound, under any strict construction of his duty, to do so. In this second line several of the discontented Indians seem to have obtained a chance at the more desirable allotments.

Now, it is the rule of the world and of nature that the man who takes the trouble to help himself does not stand in so much need of help from others as the man who sits still and waits for the good things of life to come to him. The Indian, whether of full or mixed blood, will have to learn his lesson before he will ever get ahead and make anything of himself. If every time that one Indian acts promptly and improves his opportunities, while another Indian neglects the same opportunities and is left behind, the Government steps in and puts the neglected Indian ahead of the one who has bestirred himself, it will reverse the course of nature, and not only do a great injustice to the individual sufferer but inflict a damage upon the whole Indian race by encouraging the wrong thing. I do not believe that you fully appreciate the meaning of what you are asking the Government to do.

But let us recall what actually happened. At the time the question was raised, whether the full bloods were obtaining their rights under the allotment of this year, we interfered and suspended the work until an inquiry could be made. Then the Secretary of the Interior, at the request of this office, sent Inspector McLaughlin to White Earth with instructions to call the Indians together, talk over the situation, and find out directly from themselves what they wished the Government to do—that is, whether a majority of them wished the annullment of the allotments already made or were satisfied to let them stand, and how large this majority was. The notice he issued is broad in its terms and as plain as simple English can make it.

WHITE EARTH AGENCY, MINN., *September 18, 1905.*

The undersigned desires to meet the Mississippi and Ottertail Chippewa Indians of the White Earth Reservation, Minn., in council on Monday, September 25, 1905, at the hour of 1 o'clock p. m., at the White Earth Agency. All Indians interested in additional allotments of land under the Steenerson Act are requested to be present and participate in the council.

JAMES MCLAUGHLIN,
United States Indian Inspector.

The council was held as announced and was a very spirited gathering. All who wished a hearing were given one. When the talk over the allotments was finished, the inspector called for a vote. The result was as follows:

In favor of letting the existing allotments stand (including 54 full bloods), 130; in favor of cancelling them and holding a reallotment, 5; not caring to vote, 19.

Where were your 376 petitioners when that vote was taken? When I asked you this question during your visit to my office, you answered that the reason was that "They did not know that any vote was going to be taken." I am sorry to say that that is a rather lame excuse. After the Washington authorities, moved solely by their desire to see justice done, had gone to the trouble and expense of sending an inspector all the way to White Earth to straighten out this difficulty, and the inspector had taken pains to spread all over the reservation a notice of the council in which everybody interested in the allotment question was invited to participate, it seems to me that the least the discontented Indians could have done was to attend the council and set their side before the inspector. It is foolishness to plead that they did not have a chance. They did have a chance, and they deliberately threw it away. It is too late now for them to come back and ask for another chance, for the Government has no means of knowing that they will not throw away another chance, and another, and another, in the same way that they threw away the first. If they had attended the council, and made a majority in favor of annulling all the allotments already made and starting the whole thing anew, that is what would have been done. So far from that, they let the opposition have full sway; and the Department of the Interior, having tried to find out what the largest number of Indians wanted, had nothing left to do except to take the vote as indicative that there was only a very weak faction really complaining against the allotments already made. The record, by the way, shows that you were present in person, but refused to serve on the committee to count the votes, although that committee was constituted for the sole purpose of insuring absolute fairness in ascertaining the result. When one who aspires to be a leader of his people takes this sort of a stand in response to the Government's effort to do justice, what are we to expect of the lesser Indians who make up his following?

I notice that to your signature you append the title "Chief White Cloud of the Chippewa Indians." I am sorry that you did this, because you are a man of education and a religious minister, and you are supposed to represent the progressive class of Indians. You know that the Government has for a number of years been trying to wean the Indians everywhere away from their old notions of the prestige and prerogatives of chiefship, with a view to thus starting them on the road toward participation in popular government—a foretaste of their obligations when they shall have become full-fledged citizens of the United States. It should be, therefore, the constant effort of every progressive and especially of every educated Indian to assist the Government in this undertaking. As I am informed, your claims rest on a hereditary basis, and not on that of popular suffrage. This makes your attitude even more emphatically hostile to the Government's endeavors, and the addition of your claimed title detracts from, rather than adds to, the weight of your signature.

I wrote this letter in all kindness of spirit, and trust that you and the people you represent will receive it in the same way. My desire in all that I do with or for the Indians is to help them; and if it becomes necessary now and then to speak some plain words and to teach them some hard lessons through refusing their requests, I must not shrink from my duty as I see it.

I remain, your good friend, F. E. LEUPP, *Commissioner.*

Mr. GRAHAM. I recall no evidence offered in our record up to this time which would form a basis for Commissioner Leupp's statement that the inspector took pains to spread notice of the council meeting over the reservation. Is there such proof in the record?

Mr. BURCH. That Mr. McLaughlin did so?

Mr. GRAHAM. Yes.

Mr. BURCH. On the contrary, the statement of the only witness who has thus far been sworn on that subject, the Rev. Duane F. Porter, shows that of 300 of his people at Duane, he never heard of such a notice. That is the only proof so far on that subject. We expect, however, to show by others later on that—we will hope to show that notices were not received.

Mr. GRAHAM. Have you called for any papers in the Indain Office upon which Mr. Leupp's statement might be based?

Mr. BURCH. I have not. I don't think there are any; but we will call for them if the committee desires it.

Mr. GRAHAM. I think there should be. There is a presumption that the Commissioner of Indian Affairs would not make such statements without a basis for it.

Mr. BURCH. Yes. We hope to treat of that matter later on, as well as commenting upon the letters in question. I will go on with the witness now.

Q. Did you do anything more, Mr. Wright, after receiving these letters? Did you try to do anything further for your people?—A. Yes, sir.

Q. What did you do for them after that? What did you try to do?—A. We—let's see—no, we didn't do much until three years later, three years after that, when additional allotments had been made; three years after we went to Washington again.

Q. Who went then?—A. They had a council among themselves at White Earth to select the delegation, and I was not there. Mr. Walters wrote to me to come, so I came. When I came he told me the delegation will be started pretty soon to Washington. I don't know—about eight of them, something like that, six or eight, delegagation. So he says, "We didn't select you, this mixed-blood side." So he told me, "If you want to go, I furnish the money for you," he says.

Q. Who told you this, Walters?—A. George Walters, and he says, "Gus Beaulieu, he promised to furnish the money if you want to go, too," he says. So we went down, two parties, and I was with Mr. Walters, George Walters.

Q. With Mr. Hinton and Mr. Long?—A. No, no.

Q. Oh.—A. No; that was in 1908.

Q. Well, all right. Go ahead.—A. And we went. When we got to Washington, the other parties—we wanted to find out what they intended to do. Mr. Walters told them they ought to have council of ourselves, just one mind. They didn't say anything, so we wait for them and for several days, what they are intending to do. We tired to stay there, so we make a petition ourselves. We got a letter from our Indians at White Earth—after we started—we got a letter from them. It says, "Do what you can for your people," and says, "Do what you can for the full-blood Indians," it says. So we thought we better do as far as we can for them, so we made a petition and we went to see Mr. Sherman at the Capitol—now he is Vice President now—we went to him and gave to him that petition.

Mr. GRAHAM. He was then chairman of the Committee on Indian Affairs.

The WITNESS. Yes, sir; and then afterwards we went to see Leupp. I was afraid of Leupp, to go to see him alone; that is the reason we went to see another man at the Capitol, and that petition I forgot—I don't remember very well the petition. We talked about the swamp lands, something like that, swamp land. The people told us the swamp lands they going to take them, going to belong to the State, without benefit to the Indians. That is what we tried. We can not afford to give away them swamp lands. That is one reason we had a petition there. And then, so far as I remember, the petition says—our petition says, too many white people in White Earth, some they call themselves Indians. They have very little Indian blood. We don't recognize them. We don't know them where they come from. We heard some they come from Wisconsin. That is what I am told. I asked one Indian who took me to Fosston. I don't never seen the young man, and I ask him where he come from. He come from Wisconsin. Who came with him? He says, "My parents." Did you get an allotment down here at the White Earth Reservation? "Yes." How much? "One hundred and sixty acres each," he says. Now I couldn't understand that, how they came in. For that reason we said in our petition, people came in at White Earth, so we don't know them. We never see them, a great many of them. And then we got answer from the Commissioner of Indian Affairs. He says, "So I don't know anything about reservations, because I am not there. You Indians, you full-blood Indians, you have power, if any one, to say those Indians got to recognize, to be recognized, who is the Indians and who are not Indians," is what he says. I say, Mr. Walters he had petitioned what we got from the Commissioner of Indian Affairs at that time. That been an answer from the Commissioner of Indian Affairs. I think that is, and then last winter we went with Mr. Long and Hinton to Washington.

Q. You went together with Mr. Long and Mr. Hinton?—A. Yes; for the people. Now, although I have not education enough to do anything for to help them out, my people; but whenever they wanted

me to do something for them I always willing to do as far as I can for them.

Q. Now, will you tell me what number or what part of the Indians Gus Beaulieu and Ben L. Fairbanks and others represent? Will you explain to this committee whom do they stand for?—A. How much Indian blood he is?

Q. No, no; how many? What part of the tribe? How much of the tribe? How much of the White Earth Indians they speak for?

[The above question was interpreted to the witness by Miss Warren, the interpreter.]

A. I don't know how many. I think they—you mean mixed bloods and full bloods, both?

Q. Yes. How many stand with them and how many don't?—A. Well, so far as I remember, I don't know them; those mixed bloods. I can not count them; I never see them, a great many of them, because I don't stay at White Earth. Many years I stay away—100 miles away. Full-blood Indians they stand by Mr. Gus Beaulieu; one of them Big Bear. I think he is a full-blood Indian; and Wah-be-goonce (Miss Warren), William Potter (witness), and Shay-day.

Q. What is his English name?—A. (Miss WARREN). Tom Swan, Joe Critt, Omah-kauck-eens and Ache-ka-la-ga-bo.

Q. What is his English name?—A. (Miss WARREN). Mr. Knickerbocker.

The WITNESS. That is all I remember; I mean of the Indians; full-blood Indians. I call them full-blood Indians; I don't know how they call themselves.

Q. The rest of these full bloods stand against him—most of them stand against Beaulieu?—A. Yes; against him. Yes; against him. Yes; there is two parties there. They can't agree together.

Mr. BURCH. Perhaps the committee would desire to ask Mr. Wright something.

Mr. GRAHAM. Mr. Beaulieu, I guess, has a series of questions prepared. Do you wish to ask the witness any questions, Mr. Beaulieu?

Mr. BEAULIEU. Yes, sir.

Examination by Mr. BEAULIEU:

Q. Now, you say there are two factions. Are not both of those factions made up of mixed bloods and Indians—that is, on both sides?—A. Yes; those men I named, Big Bear and others; that is all I know. Those full-blood Indians, they stand by the mixed-blood side, but the others I don't know, because I don't live in White Earth to know all these Indians.

Q. Are you not a mixed blood?—A. Yes; I am a little. I may be. My mother was—that is, on my mother's side.

Q. You are related to the Beaulieus, are you not?—A. I don't know. I don't know, because I know ever since when I was a boy, Beaulieus; but I don't know if I am any relation to them or not.

Q. Who was you grandmother on your mother's side?—A. My mother's name?

Q. On your father's side, I should say?—A. Oh, my father's side, O-gah-mah-e-quay.

Q. Did she have any brothers?—A. One old man. His name was Nah-gah-ne-gah-bow.

Q. Was not your mother and Nah-gah-ne-gah-bow cousins of Margaret Beaulieu?—A. I don't know anything about it.

Q. Do you know whether the Chippewa funds have been expended, or spent, I will say, so you will understand, by the government, according to the agreement made with the Chippewa commission?—A. You mean the Rice treaty?

Q. Yes?—A. Well, I understood; yes, I was on that treaty. The treaty said, that is all I know, to be annual payment $90,000 for the appropriation money, they call it; interest money for the Indians. That is all I know.

Q. Do you know how much money has been spent every year by the Government, of Chippewa money?—A. No, sir; I never have. I don't know. I have heard, but I don't know personally.

Q. Have you ever heard that $150,000 a year has been spent, of the Chippewa money?—A. No, sir.

Q. You don't know a thing about that?—A. No, sir.

Q. Have you ever heard the Chippewas find fault because their money is being wasted?—A. Yes; I have heard of that.

Q. Have you ever heard the Chippewas find fault because the Government does not employ any of them to fill Government positions in the Chippewa Indian Service?—A. No; I didn't hear much about it. I heard of them, that they made complaint about that they wasted their money. So I can't tell where the money is. They made complaint all the time.

Q. Do you know any farmers upon the White Earth Reservation?—A. Government farmer?

Q. Yes.—A. I used to know that when I was at White Earth Reservation. I used to know that, but I don't know about that ever since 20 years.

Q. Do you know any Government farmers at Leech Lake?—A. I didn't see—I never saw a Government farmer over there. I saw a teamster, Government teamster. Maybe they called him a farmer.

Q. Do you know of any field matrons that are working around the Chippewas?—A. No, sir; I never noticed them.

Q. Do you know anything about the logging operations at Cass Lake?—A. No, sir; I don't. I never paid any attention to it.

Q. Do you know Mr. O'Neil?—A. I saw him, but am not acquainted with him.

Q. Do you know him to be in charge of the Chippewa logging operations?—A. So I heard, yes.

Q. Have you ever been on his works wherever he has had timber?—A. No, sir.

Q. Wasn't there some timber cut about a mile and a half from your mission last winter?—A. Yes; I guess so. That is Neil's camp; they call it. That man who has charge of the mill there, that mill, he has a camp there about 3 miles from our place now, north.

Q. Have you been there this summer?—A. I was there last winter, but I never been there this winter.

Q. Did you notice whether they hauled away all the logs or not, or whether they left a great many of them on the ground?—A. I don't know. I never paid any attention to the logs.

Q. You say that you are the head chief at White Earth. Are you really recognized head chief of all the Indians up there?—A. I don't

know. I am not sure whether the mixed blood side—they don't want to recognize me as any chief.

Q. Don't all the Indians on the White Earth reservation vote?—A. I don't know. I never saw them vote at White Earth, so far as I remember.

Q. Did you ever hear that they all came to be citizens of the United States?—A. Yes. The way I understood the treaty made by Mr. Rice in 1889, and when 25 years is up, the Government will look to the Indians if they are worthy to be a citizen of the United States, or if they will be able to pay taxes, then they call them a citizen of the United States; and when they are able to pay taxes, and then if they are not worthy—if they are not strong enough, if they have no means enough when 25 years is up on that treaty, then the Government will put it up 25 years again or 50 years; that is what the treaty says.

Q. Didn't the chairman of the Chippewa commission, Mr. Rice, state that as soon as the Indians had been allotted lands, their tribal relations would cease and there would be no more chiefs?—A. I don't know that. I never read in that treaty.

Q. Well, but didn't you hear that said?—A. No, sir.

Q. Now, you state that you presided at all the councils as chairman at White Earth. Is it not the custom for Indians to select their own chairman at each council?

No answer.

The above question was interpreted to the witness.

Mr. GRAHAM. You don't limit your question to the testimony. Of course he said he presided at councils only when he was present.

Mr. BEAULIEU. When he was present. Oh, yes. I will put it that way.

Mr. GRAHAM. He didn't say he presided at all councils.

Mr. BEAULIEU. I meant only when he was present.

A. Their custom, the Indians' custom—their council—the old custom, they never have been selected a chairman as you have now to-day. You have council here. You have chairman here. Indian council never done that before, in the old times. Now, since they have a little education, people coming, a little education, then since that time, whenever they have had councils, they select a chairman now.

Q. Well, this custom of selecting a chairman has been in operation since the act of 1889, has it not?—A. Not since 1889, only a few years ago. I may say three or four years ago.

Q. Were not all the representative men of White Earth at the McLaughlin council?—A. The Pine Point Indians were not there. I don't remember one of them, the Pine Point Indians. I don't remember any one that was there at that time, and quite many Indians at Pine Point—at White Earth Reservation.

Mr. BEAULIEU. The interpreter did not interpret that right, and he don't understand my question. I asked him if not all the representative men, the head men?

A. Yes, the head men. There was some head men there of the Pine Point Indians. Some head men there that were not there then.

Q. Well, were not the majority of the head men there?—A. No, sir; only—we were very few of us, very few of us. For that reason

Pin-de-gay-ge-shig, we want to get a chance of four days to send for others of our companions.

Q. Where did you come from when you came to the council at White Earth?—A. I think I came from Cass Lake.

Q. Was that away from the White Earth Reservation?—A. Yes, sir.

Q. You got notice, did you, to come?—A. Yes, sir.

Q. How many persons were present in the council?—A. In that council, oh, I think about—I guess about seventy—over seventy, I think; something like that.

Q. How many voted in favor of the alotments as made by Mr. Michelet?—A. Is that what you meant, Maj. McLaughlin, when he had council with us?

Q. Yes.—A. I don't know. I heard him made report from Maj. McLaughlin, report 60 mixed bloods and 5 full bloods. Is that right, he made the report?

Mr. BURCH. No; 130 mixed bloods, 55 full bloods, and 19 went away.

Mr. BEAULIEU. I am just asking him what he knows about it.

Mr. BURCH. Yes; that is what he knows, if that is right. He wants to know what you know, not what Maj. McLaughlin said.

Mr. BEAULIEU. He has not answered my question yet.

Mr. GRAHAM. The witness acts as if he thought there was nothing pending. Please renew your question.

Q. Do you understand the question?—A. What?

Q. I am waiting for your answer. How many voted there in the council?—A. I don't know. I wasn't there when they voted. I went out.

Q. How many went out with you?—A. I don't know how many exactly. The Indians, as full bloods, we went out. We told the full bloods to come out, everyone of them to go out. So some of them remained there to see what was going on.

Q. Did you ever call upon Ed. Warren, as you were advised to do by this man Bernard?—A. No, sir.

Mr. BURCH. Is this Ed. Warren Mr. Fairbanks's partner? Do you mean Ed. Warren—Fairbanks's partner?

Mr. BEAULIEU. Yes, sir.

Mr. BURCH. Oh, yes; I understand now. Ed. Warren. I didn't understand before.

Q. You say that 44 persons were not entitled to allotments. Can you name any of the 44?—A. You wrote—Pin-de-gay-ge-shig told me you made that paper for him, and with Mr. John Carl, and then you made that paper with 44 names on it. And when I looked at him I couldn't read it, those French names, I couldn't read it and Pin-de-gay-ge-shig says and John Carl says, "Those people have no right to take an allotment on this reservation. They don't belong here."

Q. I asked if you knew the names of those people?—A. No, sir; I didn't see. I just looked at it a few moments and tried to read it, but couldn't read it.

Q. But Pin-de-gay-ge-shig told you there had been a council of the Indians and that they had gone over the rolls themselves and struck out these 44 people?—A. No; he didn't say that. He didn't say to me at that time. Just what he told me. You made that paper for me.

Q. Now, isn't that the reason, if you know, that that committee was appointed to stand in the agent's office when the allotments were being made?—A. No; I don't know anything about that. I wasn't there when the additional allotments was made. I wasn't there.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. Mr. A. L. Thompson, of Mahnomen, submits some questions which I will read to the witness.

Q. Have you sold any land?—A. Yes, I did.

Q. How much?—A. Two tracts of land—160 acres. My deceased mother and my deceased child. Dead allotments we call them.

Q. To whom did you sell them?—A. Mr. Thompson, at Mahnomen.

Q. The gentleman who sits here now?—A. Yes, sir.

Q. How much did you get for them?—A. He paid $650 apiece, that one tract of land—80 acres.

Q. $1,300 for the 160 acres?—A. Yes, sir.

Q. How did he pay the money?—A. He sent a check to the bank of Cass Lake.

Q. Well, did he pay it all at one time, or in different payments?—A. Yes, sir; he paid it at once.

Q. And you got the money?—A. Yes; I got the money.

Q. Did you sell to him as a mixed blood?—A. Yes, sir.

Q. You have stated on the stand to-day that your grandmother was half white.—A. Yes, sir.

Q. Do you know that suits have been brought to get this land back for you?

Mr. GRAHAM. I don't know whether that is true or not. Do you state that to be true?

Mr. THOMPSON. Yes; that is true. There is an action brought on both allotments.

Mr. GRAHAM (resuming reading of Mr. Thompson's questions). Do you know that suits have been brought in court to get these allotments or this land back to you?

The WITNESS. No, sir; I don't know anything about it.

Q. Well, is it your desire to get it back?—A. No, sir.

Q. Did your daughter sell her allotment?—A. Yes, sir.

Q. That is, a living daughter?—A. Yes, sir.

Q. To whom did she sell?—A. The same man; Thompson.

Q. How much did she get?—A. I think she got $1,800.

Q. Was it $800 or $900?—A. $800—$900.

Mr. THOMPSON. $900.

The WITNESS. $900; yes.

Q. Of course your daughter is a mixed blood also?—A. Yes, sir.

Mr. GRAHAM. Does that conclude with this witness?

Mr. BURCH. I think so, unless we think of something over night. I shall want to put Mr. George Walters back upon the stand to-morrow morning, and I shall want to put in the pamphlet from the Department of the Interior, which came——

Mr. GRAHAM. The one which you handed to Judge Morris?

Mr. BURCH. Yes; the one I handed to Judge Morris.

Recess until 10 o'clock to-morrow morning, January 31, 1912.

WHITE EARTH RESERVATION

No. 15

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

JANUARY 31, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman.*

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARRON, *Clerk.*

WHITE EARTH RESERVATION.

JANUARY 31, 1912.

Appearances as previously.

Mr. BURCH. Mr. Chairman, in connection with the testimony of the Rev. Mr. Wright in reference to the questions of Mr. A. L. Thompson last night, I think it is only fair to the many thousand people who are interested in the litigation now going on in the suits of the Government in equity, and fair also to the committee, so that they may understand as well, that I should make a statement.

It would appear from the statements of the Rev. Mr. Wright that he is one-quarter white blood, or thereabouts. I might say that his close association and championship of the full bloods and their alleged rights, as against the mixed bloods, naturally lead to the supposition, and the Linnen report we understand so shows, that he is a full blood. It must be borne in mind that whatever his personal wishes are in respect to these suits they can not be respected by us for the reason that we must treat all persons alike. That is, these suits in equity are instituted by the Government to remove the cloud on title to lands belonging to the United States by sundry conveyances of unauthorized persons to these lands or of these lands. Hence, no Indian on the record can be considered as interested one way or the other. Now, it is the duty of the honest officials of the Government to save the point—I mean lawyers, attorneys for the Government, to save any point that may be in doubt. What constitutes a mixed blood as distinguished from a full blood is a question not yet decided by the courts of the United States. If the courts should hold that a mere trace of white blood, however slight, would constitute a mixed blood, we undoubtedly would dispose of such cases as that on mere reference, and probably a larger part of those that are in litigation. If the courts should hold otherwise, say, to the quantum of half-white blood, then in proportion to the strength of the holding of the courts in that direction would the number of cases affected by that be affected. Hence, what might seem a hardship to Mr. Thompson, that his cases are not dismissed after he has paid his money upon the faith that Mr. Wright was a mixed blood—though we have brought our suits upon the faith that within the meaning of the statute he is a full blood—it would not matter. We can not, out of compliment to him or out of seeming justice to him, depart from a course in which all persons must be treated alike. So, without any blame upon the part of Mr. Wright in his deals with Mr. Thompson, nor upon the part of Mr. Thompson in his deals with Mr. Wright, we are obliged to save the point. That is all I desire to explain.

Mr. GEORGE. I would like to ask how you distinguish in your status between the full blood and the mixed blood.

Mr. BURCH. We don't distinguish. We brought the suits upon the faith that they were all full bloods that were involved in these suits. We don't distinguish. We took the Linnen and Moorhead reports—the affidavits, etc.—including those which embrace the Rev. Mr. Wright, and brought our suits upon the basis of them. We could not be expected, with the volume of work we had to do in these cases, to determine to a practical certainty in advance. We simply brought our suits to save the rights of the Government where they purported to be full blood.

Mr. GRAHAM. Allow me to say, Mr. Burch, with that feature of this matter the committee has really nothing to do; but, speaking as a lawyer to a lawyer, the Chair is entirely in sympathy with your position and indorses your position. It is your duty as a lawyer to the Government to include every case where there is any doubt; and as the courts have not yet decided whether a slight trace of Caucasian blood in an Indian makes a mixed blood or whether there must be a particular quantum or proportion of Caucasian blood to make him a mixed blood—until they have decided that question, again I say, I think it is your duty to include all doubtful cases. The answers that the Rev. Wright gave to Mr. Thompson's questions yesterday, however, were permitted to go in the record for what they were worth. They are not binding on you and should not be, because if in the end the courts hold that the degree of Caucasian blood in Mr. Wright does not constitute him what is technically called a mixed blood, then he is in the position of an infant—of a person under legal disability—and his alleged agreement with Mr. Thompson or with anyone else would be no agreement whatever and not binding upon him or on the Government. So that until it is authoritatively determined what is a mixed blood—speaking as a lawyer to a lawyer—it seems to me your course was entirely proper and commendable. But, again I say, I don't quite see what that has to do with this investigation, except in a very remote way.

Mr. BURCH. I suppose the question was called out possibly to satisfy the erroneous notion prevalent in some quarters that we are being harsh and doing unwarranted things in the interest of the Government; and I desire to have that appear publicly, so that the public may understand our side, since it was, without any fault of ours, brought in.

Mr. GRAHAM. Well, it is in now; we will proceed.

Rev. CHARLES WRIGHT recalled.

Examined by Mr. BURCH:

Q. I show you a paper, Mr. Wright. Tell the committee what it is, if you know. Just glance over it hastily—don't read it all through—the signatures and everything.—A. Yes; that is a petition. I took it to the Commissioner of Indian Affairs in 1905.

Mr. GRAHAM. Who was the commissioner at that time?

The WITNESS. Commissioner Leupp.

Q. Did you have two copies and left one with him?—A. Yes, sir.

Q. This is a duplicate, made on the same typewriter as the one you left with him?—A. Yes, sir; yes, sir. I write over there.

Q. And the signatures in these are typewritten, while there they are in the thumb mark or writing?—A. Yes; the same like this

[indicating with thumb]. That was the same like this—not like this—the signatures in typewriting like this.

Mr. GRAHAM. Is this a genuine document?

Q. Is this a genuine document?—A. I had one at home. Those Indians have signed their names with this—a pencil—and then they copied.

Q. This is a copy?—A. Yes.

Q. And the one you left with him was a copy?—A. Yes, sir.

Mr. GRAHAM. Miss Warren, will you take your place as interpreter again this morning?

Miss Warren takes seat by witness and interprets.

Q. I understand substantially that Mr. Wright says that there were triplicates made. They showed to Mr. Leupp the one with the signatures on and copied it; gave him one with the signatures printed in, left him a copy; in other words, printed, and this is a third copy. I offer it in evidence as showing the 376 names that were presented to the commissioner. [Paper marked Exhibit 49.]

Mr. BEAULIEU. I should like to see that, please.

(Mr. Beaulieu examines Exhibit 49.)

BURCH'S EXHIBIT 49.

To the SECRETARY OF THE INTERIOR and the
COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

The undersigned, Indians of full blood, of the White Earth Reservation, in the State of Minnesota, respectfully petition you that the allotment of lands made on or about April 24, 1905, to the Indians of said reservation, be set aside, with respect to pine-land allotments then made, for the following reasons:

First. For the reason that 300 allotments of pine lands, or thereabouts, were made to persons who were not entitled to reside upon the reservation, such as to children of white men who married half-breed squaws.

Second. That contrary to justice, and we are informed also, contrary to the direction of said commissioner, more than one valuable pine claim was allotted to members of the same family, in many cases every member of a family receiving pine claims.

Third. In many cases full-blooded Indians were allotted pine claims that turned out to have been already cut over and having nothing remaining but stumps.

Fourth. Such allotments of pine land were so made as to give practically all of the best pine land to Indians of the mixed blood, leaving for the most part to Indians of the full blood, inferior pine land only.

Your petitioners respectfully represent that since the purpose of such allotment was intended by the Government to benefit the Indians who were originally owners and occupiers of such lands, and descendants, and was not intended to be made for the benefit of the white race, that therefore allotment should first to be made to those Indians who are of full blood, and allotment should, second, be made to those Indians of mixed blood who are within the provision of the law, and to such only.

We hereby elect our head chief, Charles Wright, to present this petition and to represent and act for us in said matter.

Signed at White Earth Reservation, Minn., this 16th day of November, 1905.

1. Rev. Charles Wright, chief of White Earth and Mississippi Chippewa Indians.
2. Pendegagishig, chief of White Earth and Mississippi Chippewa Indians.
3. Chief Red Cloud.
4. Chief Tacum ma sh wavebe.
5. Chief Ka ba sh mashway.
6. Chief Peter Morrison.
7. Chief Matumesh Kung.
8. Chief Pih da sig.
9. Charles Peake.
11. Henry La Prairrie.
12. Jack Porter.
13. William Brown.
14. Rev. Joseph Wakazod.
15. Mahzhege bems.
16. Way she mime quan.
17. J. G. Carlson.

18. Moppegard.
19. Ben Perkins.
20. O min way-way ge shig.
21. Ohaub way way.
22. Enges Wance.
23. Charles Bishop.
24. Sha bay skunke.
25. William Neeland.
26. Star Mishaud.
27. Charley Thompson.
28. James Durant.
29. John Rawley.
30. John Sullivan.
31. John Fairbanks.
32. John La Rosa.
33. Henry Ross.
34. Peter Roy.
35. Chabasibiness.
36. John Stephens.
37. Abnicob
38. Aniwa shesh.
39. Rev. D. F. Porter.
40. Charles Goodwin.
41. George Bellanger.
42. Henry Goodwin.
43. M. H. Mason.
44. Kay desh git goh bow.
45. James Van Nett.
46. Burt Van Nett.
47. James Kolley.
48. Puscul Depue.
49. A. D. McDomell.
50. Leander Venork.
51. Weg Meguance.
52. Nezocaung.
53. Joseph Roy.
54. William Blanchard.
55. Alix Blair.
56. Benjamine Blair.
57. Edward Blair.
58. Joe Morrison.
59. John Pemberton.
60. Thomas Mason.
61. John Blanchard.
62. T. Beaullen.
63. Charles Person.
64. Thomas Sinesay.
65. John Darsa.
66. Peter Guin.
67. John Bellanger.
68. Nay Nmay way beuas.
69. May oha Ka we gabon.
70. John Smith.
71. Charley Fox.
72. Goy goge wash.
73. Harold Emerson.
74. Frank Wakazov.
75. James Martin.
76. Charles Durant.
77. May Nwa bi nais.
78. Ah ga gosh.
79. Joseph Blair.
80. Henry Aspinwall.
81. Geo. E. Aspinwall.
82. Peter Piley.
83. Charley Roy.
84. Paul Leader.
85. John Ketchum.
86. William Kunker.
87. Wah be-be-she Key.
88. Wah be Kay Kay Rake.
89. August Roy.
90. Jacob Fofston.
91. Charles Roy
92. Frank Goodwin.
93. Eahroo Budrow.
94. Mi gai Nai Quot.
95. Frank Bellanger.
96. Joe Bellcourt.
97. Therdon Ballr.
98. Alfred Folston.
99. Nathan Pemberton.
100. Henry G. Vilbum.
101. George Guin.
102. Tobenais.
103. Ah Ke-wenze.
104. Anthone Brunette.
105. She-nah-we-nah.
106. Penwa-neh-s.
107. We-sa-wa be-dang.

OTTERTAIL CHIPPEWA INDIANS, PINE POINT.

108. Chief Gay tah-gi gawan ash.
109. Chief Nay-she-Kay-we-ga bau.
110. Chief No-de-na-qwan-wum.
111. Chief Ge way din.
112. Gi me wah mah quad.
113. May Shah Ke yaang.
114. Ah Bow Ke Shig.
115. Moske may yash.
116. Bill Paul.
117. Joe Buckange.
118. Say-go-say.
119. Frank Martin.
120. Sha go si Kung.
121. John Martin.
122. Mis Tom Rock.
123. Ne Kah Na Quode.
124. Mis Paul.
125. Bi nay cance.
126. John Buaman.
127. Wah Bi Ki nunge.
128. Kay Bay mah gay.
129. Nay tah wash.
130. Tom Mountan.
131. Frank Ottey
132. Louis Bellanger.
133. Harry Black.
134. Willie Bassett.
135. Geo. Reese.
136. John Bumett.
137. Joe Bumett.
138. Peter Reese.
139. Chas. Dododge.
140. Ba go na cum mi aoabe.
141. Rev. George Smith.
142. Wah say go shig.
143. James W. Banker.

144. John W. Warren.
145. Joe Peake.
146. Pi tah wah wah am mi gabe
147. Ah-say mah shi wahe.
148. Ki mi we Kange.
149. O zhe gonce.
150. Willie Arthur.
151. Nay tah way way ass.
152. Kay Bay skunk.
153. Moske Nah be tung.
154. Ah see ni wah ka mig.
155. Peter Gouella.
156. William McDonall.
157. Be Wash.
158. Mi sha Ke.
159. Kah we tah way we tong.
160. Geo. J. Bunga.
161. Kah-ge way yosh.
162. Say quaway com mi gabe.
163. David Peake.
164. Nay-che way-be-tung.
165. May-Kah-day wabe.
166. Ah-she gona.
167. Be Beo Beyoss.
168. Mi she Ki gua nabe.
169. John Roberts.
170. Nah may nce.
171. Henry Hudson.
172. Way sha mi mi goad.
173. Osh wah co Bung.
174. Cuf Be mah Be.
175. John Frank.
176. Mi na quod.
177. Be co ji goh Be Mah Be.
178. Sam Finday.
179. Bill Finday.
180. Lou sie Finday.
181. Geo. Parker.
182. Frank Smith.
183. Geo. A. Martin.
184. John Bellanger.
185. Wah be nsih.
186. Ain tub.
187. Ohsh gi na way.
188. Bee she Ke wah cheag.
189. Noh wah quay we say.
190. Henry Martin.
191. Obe gwah Danashish.
192. Bay be Baw we ting.
193. Fred Mountain.
194. Ge we tah goh Bow.
195. John Bad Kettle.
196. Osa wah tan.
197. Nah may bin.
198. James Rock.
199. Roff Howard.
200. Jacob Rocks.
201. Chister Hardy.
202. Hay Loy qwan.
203. Bah day qwa si gay.
204. Ka gonce.
205. Ge mi wah na gwade.
206. Bay Bal do da ge yosh.
207. Nay chee wah goagung.
208. Oge mah bi nace.
209. Willie Cassway.
210. Me-na-quad-de shiah.
211. Peter Parker.
212. Anthony Yellowhead.
213. Saturday West.
214. Ben West.
215. Bay bah in goh in.
216. Sho-sho-way-ge sh ig.
217. Ah bwa gwan.
218. John Crowd.
219. James Bunnett.
220. John Geo. Ground.
221. Nay-tah wah kam in ge skung.
222. Rev. Geo. Smith.
223. Joseph Soldgar.
224. Bay mi Bow.

WHITE EARTH AGENCY, CHIPPEWA INDIANS OF MISSISSIPPI.

225. Chief Charles Wright, Nashotah.
226. Chief Be di gay se shig.
227. Mah in gan ce.
227. Wah Ba nee gwa.
228. Dah wah auns.
229. Wah yos qwa shig.
230. Chief Sha wah-be ge do.
231. Woh Dena.
232. Mis-go-ge-shig.
233. Gah-gah dush.
234. Che annag.
235. Gah ge gay ansh.
237. Wah ba dush.
238. Gah ge gay an nah gwad.
239. Gah we du yosh.
240. Nay qwa nay be.
241. Me-ge-zens.
242. Shay-moh-we gwon-nabe.
243. Bay-ge-wah-wash.
244. Enene say.
245. Gah-gah-all-de-bay.
246. Che-wan.
247. Oh sh ge naw.
248. Bay she que-we sev.
249. Gay-qway-che.
250. Be-she-wance.
251. Pah Dude.
252. Dun qwad.
253. Be-do-chi.
254. Shay gay na sh.
255. Pah-on.
256. Oh-she-ba.
257. Saquad.
258. Andis.
259. Mes Qwadus.
260. Qui we sence.
261. Oh An Goh-goh-shay we ne ne.
262. Bay pah mush.
263. An-be-dube.
264. Mah che ge wes.
265. We ne se-se mah on.
266. Bay-go-nay ge shig.
267. Pah nance.
268. Shay-goh-so-goh-bow.
269. Me-de-qwab.
270. Saw gah chence.

271. Saw qwa dug.
272. Frank Mirhond.
273. Me shay ge be nence.
274. Go-gah-yah.
275. Way-wah-bow shonce.
276. Ge-we-du-be tung.
277. Mah-gah-dway-we-ne-ne.
278. Naypdu-me-goh-bow.
279. Re dun nah quod.
280. Wah de nah.
281. Oh ge nah we ge shig.
282. Bay-qway-cube.
283. Mah-dway-wah-we-net.
284. Gah-ge-go-g new.
285. Gah ge way gwq nab.
286. Gay-bay-che-wab.
287. Gah-we-way-gwa-nab.
288. Shay-nah-we qwa nab.
289. Ban-go-me-gi shig.
290. Gah-gay-an wan.
291. Mah wah-do qwa nab.
292. Nay-du-me-gah-bow.
293. Gah ge way gwa nabe.
294. Joe Bellanger.
295. O shi bay.
296. A twe-ne ss.
297. Me-no-Ke shig.
298. Fread Jackson.
299. Di-no-wi.
300. Tobacco Jackson.
301. Fred Belland.
302. Joe Ballanger.
303. Charley Smith.
302. W bi go-g.
303. Ka ge natin.
306. Big go chince.
307. Alexander Ducette.
308. Peter Ducette.
309. Louis Ducette.
310. Antoin Ducette.
311. Robert Ducette.
312. Robert Beair.
313. Edward Beair.
314. Bapise Beair.
315. Samuel Beair.
316. Theodon Beair.
317. Moh chi gishik.
318. John Johnson.
319. Shy Ganash.
320. Joe Mishoud.
321. Henry Vizenor.
322. Charley Vizenor.
323. George Ledue.
324. Peter Ledue.
325. Alic Ledue.
326. Frank Ledue.
327. John Ledue.
328. Peter McDugell.
329. Dunk McDugell.
330. Donald McDugell.
331. Henry St. Clair.
332. Alix St. Clair.
333. Allen St. Clair.
334. Ben Bleair.
335. Joe Bleair.
336. Eadward Bleair.
337. Peter Bleair.
338. Louis Brunett.
339. George Brunett.
340. Edward Bleair.
341. Olio Bleair.
342. Mose Trotterchand.
343. Joe Trotterchand.
344. Peter Trotterchand.
345. Alix Roy.
346. Eadmund Cogger.
347. William Cogger.
348. Charles Cogger.
349. Antoine Benway.
350. Frank Anderson.
351. Frank Spry.
352. Henry Spry.
353. Peter Spry.
354. Joseph Cogger.
355. Mose Cogger.
356. Peter Vizenor.
357. William Vizenor.
358. Abraham Vizenor.
359. Mitchell Vizenor.
360. Louise Vizenor.
361. Charles Brunette.
362. Joe Brunette.
363. Ben Brunette.
364. Alfred Bearil.
365. Alfred Thompson.
366. John Thompson.
367. Edward Rowley.
368. William Wardena.
369. Chief Wardena.
370. Kah gu we qwanebe.
371. Negtie mega bawe.
372. Pe Ray me.
373. O sa wa mih mi gi.
374. Joseph Bellaga.
375. Ma ni to bi ney sa.
376. Ha wah gi guh bawh.

MESHKENAASH:

We, Pendegagishig and Moshkenaash, hereby certify that we personally interviewed each and every member of the foregoing-named Indians and made them familiar with the contents of the foregoing petition so that they thoroughly understood the same and appreciated its effect, and that thereafter signified and stated to us that said petition expressed their views and that they wished us to indicate the same by annexing their names thereto.

PENDEGAGISHIG (his x mark).
MOSHKENAASH (his x mark).

Witness:
CHAS. T. WRIGHT.

Mr. GRAHAM. While we are idle let me say, Mr. Burch, the committee is exceedingly anxious that you should at the earliest oppor-

tunity let us know how much more time you think you will consume here, so that Mr. Beaulieu or others who wish to bring witnesses in may know, in order to bring them, and so that we may know when to begin ordering witnesses to appear.

Mr. BURCH. I have consulted with my associate and we have determined to say to the committee that for our part in this matter we will endeavor, as nearly as possible, to get through our main case, as you might call it—that is, the support of our statement heretofore filed with the committee in series 7—by Saturday night.

Mr. GRAHAM. Do you mean all of this week here in Minneapolis?

Mr. BURCH. Well, I hope not, but we don't dare at this moment to say less. I had hoped that by to-morow night or some time Friday we would be able to get in what we have, but I don't at this time dare say that on account of the various troubles in getting witnesses, etc.

Mr. GRAHAM. Mr. Beaulieu, have you concluded how many witnesses you or your friends—any of those associated with you—want to be heard here in Minneapolis?

Mr. BEAULIEU. I don't think we will care to hear any of them here.

Mr. GRAHAM. You prefer to wait until we get to Detroit?

Mr. BEAULIEU. I would like to talk to you this evening and explain.

Mr. GRAHAM. Very well. What we want is to give you ample time so you could give us the names and we could have the subpœnas issued in time.

Mr. BEAULIEU. I received a letter this morning saying that there were some who would like to make a statement to the committee regarding these matters that you are investigating, and those are the ones I want to talk to you about.

Mr. GRAHAM. As soon as you can conveniently do it let me know, please.

Mr. BEAULIEU. That was only regarding the expenditures of the money.

Mr. GRAHAM. That is a very important feature of our work. The whole of it is important. Every dollar that has been expended by the Indian Bureau here at White Earth is a proper subject for investigation, and any light you can throw as to the expenditure, and especially the improper expenditure, of money, of course, is relevant and competent and will be heard. Do you wish to ask Mr. Wright any further questions?

Mr. BEAULIEU. Yes; I will.

Examined by Mr. BEAULIEU:

Q. When you received this list of names, did you have the heading—this petition—did you have this [showing witness first page of Exhibit 49]?—A. When I received it from the Indians——

Q. As to these names?—A. They told me—yes—yes; I have that, the same thing. Yes.

Q. This was written on—this was part of the petition?—A. No; that is copy.

Q. But I mean the original.—A. Yes, yes. The paper I have I have at home, where they sign their names with lead pencil, and that is a copy they made of it.

Q. This, as you understand it, was a petition in opposition to the allotments as made by Michelet?—A. Yes, sir.

Q. Do you know Charles Peake?—A. I know him; yes.

Q. Do you know J. G. Carlson?—A. No, sir.

Q. Do you know Charlie Thompson?—A. Charlie Thompson? Yes; yes, I do.

Q. Do you know John Fairbanks?—A. John Fairbanks? Yes.

Q. Do you know Theodore Beaulieu?—A. Do you mean Coffee Beaulieu? Is that the same person as your brother?

Q. Yes. Coffee is just his nickname.—A. Is it the same person?

Q. There are two Theodore Beaulieus. One is my brother and the other is a distant relation. Do you know Joseph Roy?—A. Yes.

Q. Do you know John Pemberton?—A. Yes.

Q. Do you know Joe Morrison?—A. Yes.

Q. Do you know John Bellanger?—A. Yes.

Q. Do you know Charles Durand?—A. Yes.

Q. Do you know August Roy?—A. Yes.

Q. Do you know Alfred Folstrom?—A. Yes—I don't know. Yes: I think.

Q. Do you know Nathan Pemberton?—A. Yes.

Q. Do you know John Warren?—A. Yes, sir.

Q. Do you know Maw-een-gunce?—A. Yes.

Q. Do you know Antoine Bissette?—A. No, sir.

Q. Do you know John Johnson?—A. Yes, sir.

Q. Do you know Win-de-gay?—A. Yes, sir.

Q. Do you know Henry Bizenoit?—A. Yes, sir.

Q. Do you know Peter McDougall?—A. Yes, sir.

Q. Do you know Donald McDougall?—A. No, sir.

Q. He is the clerk in the agency office?—A. Oh, yes; I do know him.

Q. Do you know Henry St. Clair?—A. Yes, sir.

Q. Do you know Louis Burnette?—A. Louis Burnette; yes, sir.

Q. Do you know William Cogger?—A. No, sir.

Q. Do you know Frank Spry?—A. No, sir.

Q. Didn't all of these persons I have just named vote in favor of the Michelet allotments at the council with Maj. McLaughlin?—A. I don't know; I don't know, sir.

Q. Was this petition not used one time by you here in the city of Minneapolis?—A. Yes.

Q. Did you say to the Forestry Reserve people that this petition was gotten up for the purpose of favoring the forestry allotment? You have not stated that, did you?—A. Ever stated that? Yes. You mean printed in favor.

Q. It was published that way; yes. Did they state that to you?—A. Yes; they said so.

Q. You said it was not.—A. No; I didn't give permission.

Q. What did you state to them with regard to this petition?—A. To the Forest Reserve?

Q. Yes. You didn't show it to them?—A. I show it to them; yes.

Q. What did you say to them with regard to it?—A. They said they wanted to see what I showed to them; that is all.

Q. Was this part of it when you showed it to them [indicating the first page]—the petition itself?—A. Yes; I think so.

Q. You are not sure?—A. No; I am not sure. I showed that petition only for allotment business—nothing else.

Mr. GRAHAM. Mr. Beaulieu, when you ask the witness the question, "Was it this part or that part you showed to them?" will you indicate by pages what you refer to?

Q. The body of the petition itself, pages 1 and 2?—A. The signatures, I mean; the petition itself.

Q. Who were the persons you talked with there?—A. Dr. Krafts.

Q. And who else?—A. No one else. That is all—his wife was with him; that is all. Only two persons.

Q. Did a lady named Mrs. Williams talk to you about this matter?—A. Yes; that is so.

Q. She talked with you also?—A. Yes.

Q. And she is the one that used these names for that Forestry Reserve petition?—A. I suppose so.

Q. Did you not authorize her to use the names?—A. No, sir.

Q. Do you know whether Mr. Steenerson was adopted by the Chippewa Tribe or not?—A. I don't know, I don't know; but I read—I know one time at the 14th of June, at White Earth, Mr. Michelet took him by his hand; he said that this man, "We want to give him 160 acres of land. We want him to have some just as well as any of us."

Q. Did you not hear that the Indians at White Earth urged Mr. Steenerson to make an application for an allotment of land?—A. For him?

Q. Yes.—A. No.

Q. You never heard of it?—A. No, sir.

Q. Were you at the council on the 14th of June, when Mr. Steenerson was adopted?—A. Yes; I heard him say that this is Mr. Steenerson, and that we want to give him 160 acres of land. This is all I know.

Q. You were there, were you?—A. I was there; yes.

Q. You saw the ceremony that they went through when they adopted him, did you not?—A. No, sir. It is something new to us, a great many of us; we never heard anything about it. This is the first time we heard it.

Q. How many people were there present?—A. Oh, there must have been lots of people, I don't know how many hundred.

Q. Maybe about 5,000 people?—A. It may be.

Q. And was not the ceremony open; did not everybody see it?—A. Yes; he said that, he said that, probably, but a great many of us were opposed to it.

Q. You knew of it?—A. Yes; we opposed to it.

Q. How many were opposed to it?—A. All the Indians, as far as I can remember—especially the full-blood Indians, they were opposed to it.

Mr. GEORGE. Opposed to what?

The WITNESS. They says, "We can't afford to give away 160 acres, an allotment; he could support himself. We are too poor to give away 160 acres for that man. We can't afford to do it." That is what they say, what the Indians say, and they say to me, too, and I say the same thing, too.

Q. Was not that council held right there in the open among 5,000 people consented to by all the Indians?—A. No, no, sir.

Q. Was there one dissenting voice there—one dissenting vote?—A. No, sir; no, sir. I don't hear anything about it, I don't hear anything about it.

Q. You do not know whether there was one vote opposed to it?—A. No, sir.

Q. Didn't all the Indians say "How" when they adopted him?—A. No, sir; no, sir.

Mr. GRAHAM. What would that be—what is the meaning of the word you used, "How"?

Mr. BEAULIEU. That means "yes."

Mr. GEORGE. What was Mr. Steenerson's Indian name?

The WITNESS. May-yah-we-gah-bow.

Mr. GEORGE. What does it mean in English?

The WITNESS. He who stands in the center. Mr. Chairman, may I say a few words in regard to that man, Mr. Steenerson? When I was at Leech Lake we read in the paper that Gus Beaulieu was at Washington for that purpose, to push it in the Indian Office, to be recognized—Mr. Steenerson; but that man is one of the members of the Indians. And I went to a clerk, asking him to write a letter for me. I wrote to Mr. Commissioner of Indian Affairs; I said to him, thus: As we read in the paper in regard to Mr. Steenerson, he is to be recognized as an Indian; I am opposed to it. As my deceased father gave me his advice, to stand by our people, the Indian—the full bloods are Indians—and I must say something about that man. My deceased father gave me his advice, to stand always by our people. I said, "Don't mind that man; he is a rich man; he could support himself well; we can not afford to give our land for that man. We heard those Mille Lac Indians are perfectly destitute. You ought to look after them—those Indians—instead of Mr. Steenerson." That is what I write to Mr. Commissioner of Indian Affairs. That is all.

Q. Did you say your father advised you not to adopt Mr. Steenerson?—A. No; no. I said this: My father give me his advice when he was alive to stand by our people as far as I can, to work for them.

Q. Do you know that your father made a will?—A. No; no. I stated yesterday that he made speeches before his people 14th of June, 1893.

Q. Did you ever hear of him making a will?—A. No, sir.

Q. Didn't your brother, William Wright, act as chief? Was he not recognized as chief after your father died?—A. I don't know: no, sir; I don't know.

Q. Now, with regard to Mr. Steenerson: Did you let the people generally know that you objected to his adoption?—A. Yes; I told some of them at White Earth that I wrote to Mr. Commissioner about it—that I was opposed to it.

Q. Did you go in the council where they were adopting him and make known that you were opposed to it?—A. No, sir; no, sir.

Q. Do you know why they adopted Mr. Steenerson?—A. No, sir.

Mr. GEORGE. Well, did they adopt Mr. Steenerson?

The WITNESS. No, sir; no, sir.

Q. When the Rice Commission was at White Earth do you know whether they promised to give 160 acres of land as allotments, and did they do so immediately?—A. No, sir.

Q. And did you accompany a delegation that went to Washington in 1892 to try to get that allotment?—A. Yes, sir.

Q. How many were in that delegation, if you remember?—A. Nine men; nine of us.

Q. You were one of them?—A. Yes.

Q. And another minister?—A. Rev. Fred Smith, an Indian Episcopal minister.

Q. Your father was along, wasn't he?—A. Yes, sir.

Q. And I was along, was I not? I was one of the party?—A. Yes, sir.

Q. And there were, in fact, as you state, nine of us?—A. Yes; I think about nine of us.

Q. Did we make strong efforts to get the Commissioner of Indian Affairs to allot the additional 80 acres of land?—A. Yes, sir.

Q. And did we not try all the time until the Steenerson bill was passed to get that 80 acres?—A. Yes, sir.

Q. And didn't Congressman Eddy himself, just before that, introduce a bill to give us 80 acres of land?—A. Eighty acres more?

Q. Eighty acres more.—A. Yes; I think so.

Q. And for three sessions of Congress didn't Mr. Steenerson try to get that bill passed?—A. Yes.

Q. And then, after Mr. Steenerson was elected to Congress, didn't he get it passed the first year?—A. Yes, sir.

Q. And was it not on account of that that the Indians adopted him?—A. I suppose that is what they tried.

Q. That is the reason they adopted him?

Mr. GEORGE. He said "tried."

The WITNESS. Yes; that is the reason they tried to. Now, Mr. Beaulieu, when we made a treaty by Mr. Rice we signed 160 acres; and they passed that law before the Senate or Representative, and the President signed it, and the Commissioner of Indian Affairs signed it, to have 160 acres. That we were to get 160 acres in time. Now, I think, without Mr. Steenerson, I think we could have that land through somebody else; and now the people think they signed so that we will get 160 acres, and the commissioner signed with them, and the President, and it became law.

Miss WARREN. He says: "And it was so that we were entitled to it, really entitled to it; whether Mr. Steenerson did anything or not, we were entitled to it, because it had become a law. And the Indians were made to understand later that it was through Mr. Steenerson's work that they got the 160 acres. But it was not new to Mr. Steenerson. We had worked to get this 160 acres before; and the Indians they didn't understand anything except later that it was through Mr. Steenerson's effort that they got the 160 acres.

The WITNESS. That is all, Mr. Chairman.

Q. Now, that agreement was signed in 1889, was it not—the Rice agreement?—A. Yes, sir.

Q. Which provided for 160 acres of land, you claim?—A. Yes, sir.

Q. We all understood that we were to get 160 acres?—A. Yes.

Q. Now, from 1889 up to 1904, didn't we try to get 160 acres?—A. Yes.

Q. And we were unable to do so?—A. No.

Q. Because the Indian Office and the Government generally told us that the law didn't permit us to get 160 acres?—A. The commissioner tell us, in 1892; yes, sir.

Q. Now, wasn't it necessary to pass a law to give us 160, in order to fulfill the promises made by the Chippewa Commission?

The witness speaks to interpreter.

Miss WARREN. "I didn't believe that it should pass—become a law—later; that is should go through that process; it had already passed and didn't need to go there."

Q. Well, that was simply a promise of the Chippewa Commission.

Miss WARREN (interpreting). No; it was not a promise. It had passed to a law.

Mr. BURCH. To a law?

The WITNESS. To a law; yes.

Q. The Government said that there was no law. Didn't they tell us that? Didn't they tell us there was no law to give us 160 acres?—A. The Commissioner of Indian Affairs?

Q. Well, he represents the Government.—A. Yes.

Q. And, then, we didn't get our 160 acres until the Steenerson Act—that is, we didn't get additional 80-acre allotments until the Steenerson Act passed?—A. Yes.

Examined by Mr. BURCH:

Q. Mr. Wright, your Indians, 21 years old and upward, were citizens and voters, were they not? That is, citizens of the United States, and could vote at elections?—A. Yes.

Q. Indians—that is, the White Earth people?——

Miss WARREN (interposing). That is the way it looks to-day.

Mr. GRAHAM. Do you mean, Judge, that the full bloods over 21 were voters?

Mr. BURCH. I asked him if that was not so.

Mr. BEAULIEU. Yes, sir; that is a fact.

Q. All Indians of 21 and upward on the White Earth Reservation were voters? You understood they could vote for officers at elections, didn't you? White Earth Reservation is in Mr. Steenerson's congressional district, isn't it? The same district he represents them in Congress?

Miss WARREN. He doesn't know; he isn't sure.

Q. You never understood you had to pay a member of Congress for voting or doing his duty in Congress, did you, and give him 160 acres of land?—A. No, sir.

Q. That was not in the treaty, was it?—A. No, sir; no, sir.

Mr. BURCH. I would say to the committee and to Mr. Beaulieu, I think he is mistaken. It was the Dawes Act that was construed as only allowing them 80 acres, and not the Steenerson Act. The Dawes Act was an earlier act—or the amendment, rather, to the Dawes Act—that made that; but no matter about that. That is all, Mr. Wright.

Mr. BEAULIEU. I would like to ask a few questions.

Mr. BURCH. I want to get through by Saturday night.

Mr. GRAHAM. Well, Mr. Beaulieu has not been unreasonable in the time that he has taken.

Mr. BURCH. All right.

Examined by Mr. BEAULIEU:

Q. Whenever an Indian wants to give anyone anything, and that person refuses to accept it, isn't that Indian offended?

Miss WARREN. He says: "I wouldn't have any right to give anything away that you owned"—speaking from Indian to Indian.

Q. I was asking you, generally, about Indians——

Miss WARREN. That is his explanation.

Q. I am asking you generally about the Indians, whether it is the custom for an Indian to feel offended if the man does not accept it? Suppose I was to come to you and say, "Here, I will give you this horse," and you say to me, "No; I don't want that."—A. If you don't own that horse alone?

Q. No; if I owned it——A. If you owned part of it——

Q. Yes.—A. That is all right. That is all right. But I mean this May-zhuc-e-ge-shig, when he introduced that Mr. Steenerson to be a member of our tribe; he has no business to do it without permission of his people—the Indians—he has no right to do it.

Q. On the day that May-zhuc-e-ge-shig introduced Mr. Steenerson or presided at the Steenerson adoption, was he not the chairman of the 14th of June celebration committee?—A. I don't know who was chairman then; I don't know.

Q. And is not May-zhuc-e-ge-shig one of the leading chiefs upon the reservation?—A. Yes.

Q. He is considered the head chief there, is he not?—A. So they call him—the mixed-blood side. They want to recognize him as a chief, as the head chief—the mixed-blood side—that is the way I understand it.

Q. He is the leading chief, anyway?—A. He was next to my father.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. He was next to your father?

A. Yes, sir.

Mr. GRAHAM. Mr. Thompson, do you wish to ask any questions of this witness?

Mr. THOMPSON. No, sir.

Mr. BURCH. Mr. Wright, we will need you later on. Don't go away; don't leave the city. We may need you later on.

FRED DENNIS, sworn by Mr. Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Your name is Fred Dennis?—A. Yes, sir.

Q. Where do you live?—A. Detroit, Minn.

Q. How long have you lived in or near Detroit?—A. Two years last July.

Q. Where did you live before going there?—A. Crookston.

Q. How far is Crookston from the reservation?—A. Well, it is 70 miles from Detroit, and Detroit is 9 miles south of the south end of the reservation, and Crookston is on the north side, I should guess, 40 miles.

Q. And the reservation is 36 miles long, so it would be about that. How long had you lived at Crookston?—A. Nine years.

Q. The time you lived at Crookston and at Detroit would cover practically all of your adult life?—A. Yes, sir.

Q. What business are you now engaged in?—A. Practicing law.

Q. How long have you been a practicing lawyer?—A. Two years last July.

Q. Then you have practiced law only since you have lived in Detroit?—A. Yes, sir.

Q. What was your business when you lived in Crookston?—A. I was working in the law office of Halvor Steenerson prior to the time he went to Congress, and when he went to Congress I went with him as his secretary.

Q. In working in his office, do you mean that you were a clerk or student or both?—A. I was the stenographer.

Q. How long had you been with him before his first election?—A. Two years, I think.

Q. How long did you act as his secretary at Washington?—A. Seven winters.

Q. That is, seven years?—A. Seven years; yes, sir; making nine years that I was with him.

Q. And you ceased only when you opened a law office for yourself in Detroit?—A. Yes; I went into partnership with another party.

Q. What is the firm name now?—A. The firm name now is Johnston & Dennis.

Q. How large is Detroit?—A. The 1910 census gave it as 2,876.

Q. It is the county seat, is it?—A. Yes, sir.

Q. The county seat of what county?—A. Becker County.

Q. And the county courthouse is there?—A. Yes, sir.

Examination by Mr. BURCH:

Q. Mr. Dennis, is that your signature [exhibits paper to witness]?—A. Yes, sir.

Q. Do you know the signature of Halvor Steenerson?—A. I do.

Q. Is that it?—A. It is.

Q. I now offer in evidence as bearing upon the attempts upon the reservation matters generally the following paper.

Mr. GRAHAM. Let us look at it, Judge, please.

Mr. GRAHAM. All right, go ahead.

Mr. BURCH. I will read it into the record:

APPLICATION FOR AN ADDITIONAL ALLOTMENT.

CROOKSTON, MINN., *April 22, 1905.*

United States Indian Agent, White Earth, Minn.

SIR: I hereby make application to have allotted to me under the provisions of the Steenerson Act and the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," the following described tract of land, to wit: The east half (E. ½) of the southeast quarter (SE. ¼) and the northwest quarter (NW. ¼) of the southeast quarter (SE. ¼) and lots one (1) and two (2), section thirty-five (35), township one hundred and forty-three (143) north, of range thirty-eight (38) west of the fifth principal meridian, containing one hundred and sixty-six and seventy one-hundredths acres. The number of my allotment on the schedule of allotments is ———.

Respectfully, HALVOR STEENERSON.

Witnesses:
FRED DENNIS.
J. W. NEUKOM.

Mr. BURCH. That is all, Mr. Dennis, at the present.

Mr. DENNIS. I should like to make a little statement, if I may be nitted, gentlemen.

Mr. GRAHAM. You may, Mr. Dennis.

Mr. BURCH. No objections.

Mr. DENNIS. I was with Mr. Steenerson as his secretary at the time of the passage of the Steenerson bill in 1904—the month of April, I think, the bill was passed—and in June of that year, Congress having adjourned, Mr. Steenerson attended the annual celebration upon the White Earth Reservation on the 14th and 15th of June; and while he was there the Indians in council, in order to show him their appreciation for his efforts in passing the bill, publicly adopted him into the tribe and had papers made out and sent to him. Chief May-zhuc-ke-ge-shig was the spokesman for the Indians, and he told Mr. Steenerson he wanted him to take land, and that he would give him his choice of 160 acres on the reservation, and he told him that if he picked the land that he himself, May-zhuc-ke-ge-shig, wanted that he would go and take another allotment; and Steenerson thanked them for their kindness, told them that he appreciated the adoption into the tribe and the receiving of an Indian name, but that he did not want the land, and he told them at that time that he would take the 160 acres in his heart, and the land wasn't given to him at that time, and he was informed that if he didn't take it that he would offend his brother Indians, and when the application was sent to him he signed it.

Mr. GRAHAM. Sent by whom?

Mr. DENNIS. It was sent by Mr. Gus Beaulieu, I believe it was. I wouldn't be positive that Mr. Beaulieu sent it, but Mr. Beaulieu's handwriting describes the land. Mr. Steenerson did not go upon the reservation and pick out his land, but signed the application that was sent to him, and he expressed himself in the office at the time that he did not want the land, but he did not want to do anything against the Indians, and he said if his adoption ever did go through the Secretary of the Interior and if he was given the land he would either give it back to the tribe as a tribe or would sell the pine and establish a hospital or do something with the funds for the benefit of the tribe; that he wasn't taking it for his own piece of land.

Going back to the act of 1887 and 1889, during the Rice treaty, Mr. Rice at least 16 times in his hearings with the Indians around the State of Minnesota promised the Indians that each man, woman, and child would get 160 acres of land. I don't know that it says that in the act itself, but the hearings and the council proceedings show that. I am familiar with that because, when Mr. Steenerson passed his additional allotment bill he had me count the number of times that Mr. Rice promised the Indians they would get 160, and the Secretary held that under the act of 1887 and 1889 they could only have 80 acres; and after Mr. Eddy had tried for six years to get the additional Mr. Steenerson simply fulfilled a promise made to the Indians by the Government in giving them the other 80.

Mr. GRAHAM. Now, Mr. Dennis, if it were not given to them as an allotment, am I right in my understanding that it would be theirs anyhow, but in common?

Mr. DENNIS. Why, I presume so, the same as it always had been for the 36 years.

Mr. GRAHAM. So that after all the only difference was that it was given to them in severalty by this act.

A. Yes, sir.

Q. And if it hadn't been given to them in severalty it would have remained communal or common property to be disposed of for their benefit at some time in some way?—A. Yes, sir.

Q. I am a good deal at sea, Mr. Dennis, and I am glad you are here; and perhaps you can land me with reference to this council holding. As a lawyer you know the necessity of notice before action by a body of people. For instance, you couldn't hold a lawful election without proper notice so that every voter would have a reasonable chance to know of the election, by publication or otherwise. Now, is there any preliminary to the holding of a lawful council by way of notice, and how do you determine whether a council is really a council? I might say, lawfully a council.—A. Well, I don't know, Mr. Chairman, what would constitute a lawful Indian council. If a calling of a council by the members of the tribe, or the calling of a council by a special Indian agent, and conferring with Indians would be a lawful council in your mind, then I might answer you.

Q. It is not so much what would be right in my mind as whether there is some established and recognized mode or whether three or four or five active fellows can jump up at any time and call a council, and if the action taken at that council is valid.—A. Well, as I understand these councils, the Indians have for 37 or 38 years—is it, Mr. Beaulieu, 37 years—this annual celebration?

Mr. BEAULIEU. No; since 1873.

A. Well, that would be 37 years.

Mr. GRAHAM. That would be 39 years.

A. Thirty-nine years they have celebrated the act of giving them the reservation—each year for 39 years, on the 14th and 15th of June—and they invite Indians from Dakota and all the other reservations in Minnesota to come there and have a large celebration, and there is all the way from two to five thousand Indians meet there and celebrate and smoke the pipe of peace and dance and hold proceedings. That is annual. The Indians understand it, and they have letter paper with their committees on it, and they send out printed notices all over the United States a month or two in advance that there is going to be an annual council held.

Mr. BURCH. "Council"?

A. I think the letterhead says "council"; it may be celebration. Judge; I wouldn't be positive.

Mr. BURCH. That would be important.

A. My impression is that it is "council," but I am not—I know it is an annual celebration.

Mr. GRAHAM. There would be a vast difference between a mere annual picnic and an annual council. Now, what is the fact? It would seem to me, Mr. Dennis, if you are right, and that if the heading announced to everyone that there would be an annual council at the annual picnic, that would tend to give it character as a council.

A. Well, I believe that the letterhead says "Annual council proceedings" across the top of the letterhead, with the names of the committees, president, treasurer, and secretary.

Mr. GRAHAM. How are they chosen?

A. I couldn't tell you, sir.

Mr. GRAHAM. Are they chosen by the Indians or are they rather self-appointed?

A. Well, I couldn't say, Mr. Chairman, but I presume they are chosen by the Indians. It is an Indian affair; no outsider has anything to do with it. The agent last year said he had nothing to do with it.

Q. Now, on this notice, as you recollect it, assuming for the present that it does say an "annual council" will be held, does it give the time and place—that is, the hour and place of holding the council?—A. It says, "June 14 and 15;" there is no hour specified, because they are open 24 hours a day.

Q. But you see that would be worse than no notice. You have heard of "snap conventions," and if the council was to be called during the two days without naming an hour a few might get together somewhere, some time, and hold a pretended council, which would be no council at all. A convention of a political party is always called to meet at a particular place and at a particular hour.—A. I am not, Mr. Chairman, defending the form of the council or anything of that kind. They hold their council, and whether it is a regular, lawful, duly ordered or duly held council I don't know. I never participated in the council, not being an Indian.

Q. We are not attacking the council. We are simply looking for light. So much has been said about councils here that I am entirely at sea as to whether this meeting or that meeting or the other meeting about which there has been testimony was in truth a council or whether it was merely a pretended council by a faction. I would like very much to have real light upon that subject.—A. Possibly I can enlighten you a little bit. I have been there a number of times and on the morning of the first day they have a parade through the city up into the picnic grounds, and there is a big field that is vacant and which is used annually for that purpose. There are a great many lemonade stands and wagons and one temporary structure with a floor in it and a roof and generally boughs drooped over it and seats in there, and the band sometimes plays in there and the women folks rest in there.

Mr. GRAHAM:

Q. Is there any specific name given to that structure?—A. Why, not that I know of. That is the structure that the political speeches and addresses and all speeches by the Indians and by white people are made from, on the front end of this building, and the Indians all congregate, to the extent of a thousand or two, and all the white visitors in front of this building, and listen to these addresses, and they are interpreted into the Chippewa language and into the Sioux language, I believe.

Mr. GEORGE. Outside, not inside of the building?

A. It is an open building. There are no walls to it—just the roof.

Q. And it was at that council, as I understand it, that May-zhucke-ge-shig, who was the spokesman on behalf of the Indians, adopted Mr. Steenerson into the tribe and gave him feathers—a long string of feathers—and a belt and a pair of moccasins and a pipe and officially adopted him as a brother, and gave him the name of Omay-yah-gah-bow.

Mr. GRAHAM. But, Mr. Dennis, that does not clarify the situation for me. The thought comes to me that a picnic occasion, such as this really was, would be the worst possible time for a council. There

would be so much excitement and so many attractions here and there and yonder that it would be only an opportune time for a general council if the announcement were made in advance and were clearly understood that at 12 o'clock, for example, on the second day of the picnic at the central wigwam, or some other specific place, those entitled to sit in the council are requested to be present, for the purpose of taking up tribal matters. Now, if a quorum—if they had such a thing as a quorum—if the number of Indians necessary to do business appeared there, it seems to me that what they did would be binding upon the tribe; but if no time was mentioned during the two days of excitement—dancing, singing, and I suppose there are side-shows and attractions of that sort on the grounds, at least there is a two-day picnic, as we would call it—and if during the two days some time, anywhere, a few people choose to call a few friends together and hold a meeting and at that meeting vote away the property of all the Indians, it would strike me as having no force whatever; and the thing I want to know is if there be any custom or any way by which these people can have what sensible people would call a lawfully constituted council. If so, I would like to know about it.

Mr. BURCH. Mr. Chairman, if you will allow me to try my hand—I have had the honor of being a speaker and know something about it, and perhaps I can give you the information you desire.

Mr. GRAHAM. Mr. Dennis, do you wish to say anything further?

A. Not as a general proposition; no, sir.

Mr. GRAHAM. I should be glad, Judge Burch, to hear from anyone who knows on that point.

Mr. BURCH. I don't want to testify, but I want to ask Mr. Dennis, from his experience, a few questions for the enlightenment of the committee.

Mr. GRAHAM. Well, you may do so. You know what I want.

Mr. BURCH. They have, Mr. Dennis, in addition to the building you have described, what they call a pavilion or bower, further off, where they dance to some extent?

A. Down town?

Q. Oh, no; on the ground.

No answer.

Q. Well, no matter about it, if you don't remember it.—A. The Indians? Well, they dance on the ground.

Q. Yes; they do; and there is also a bower or platform inclosed and covered with boughs—don't you remember that—with seats around the side of it just as they have for the bowery dance?—A. I don't remember, Judge; I didn't go in there anyway.

Q. Well, all right; in the course of their program in carrying it out after the parade, is it not customary for the agent to call the people to order before this speaker's stand?—A. I couldn't say, Judge, because I never heard it. It may be true, but I never heard the agent.

Q. Very well; I will prove that by somebody else. Then name the person who has been selected to act as master of ceremonies at the speaking?—A. I never heard that part of the ceremony.

Q. Now, is it not true that the audience assembled around there to hear?—A. Yes, sir.

Q. Then your experience consists of Sioux Indians not belonging on that reservation and invited, numbering anywhere from one to

three hundred, go there—Chippewa Indians, mixed blood, and white persons, representing, perhaps, every nationality within a reasonable distance?—A. Yes, sir.

Q. Yes. Now, have you not heard the toastmaster introduce one after another of the speakers, Indian and white?—A. Yes, sir.

Q. The two interpreters interpret what they say, if they say it in English, in the two languages?—A. Yes.

Q. So that they can cheer or keep silent, as they see fit?—A. Yes.

Q. Now, is it not true that where they speak in the Chippewa language, it is interpreted into English and into Sioux?—A. Yes, sir.

Q. And if they speak in Sioux Indian, it is interpreted into Chippewa and English?—A. Yes, sir.

Q. And that they have both representatives of the Sioux people and the Chippewa people—I mean the Chippewa Indians and white people on the program?—A. Yes, sir.

Q. To speak?—A. Yes, sir.

Q. Is it not true within your observation that probably one-half of all the people assembled there are white people, not members of the reservation at all? Or if it is not one-half, give your ideas of the proportion.—A. Well, I don't know that I would be able to say here "half." There are a great many white people.

Q. Very well.

Mr. GRAHAM. Men and women?

A. Men and women and children. It is an annual proposition. Everybody goes to see the celebration.

Q. Now, have you ever, yourself—or I will say, have you during the past two years at this part of the program, have you during the past two years heard any questions put to vote?—A. No, sir.

Q. Did you ever, except on this occasion, hear any question put to vote?—A. No, sir; I didn't hear this occasion. I wasn't there on this occasion.

Q. You were not there on this occasion? Well, I can not ask you about that.—A. No, sir.

Q. You only speak from hearsay?—A. Exactly.

Q. But—hypothetically now—given at that time of day, that is, at that hour of the day, and that no notice had been given of an intention to take a vote upon bestowing their tribal relationship upon a white man and in vesting that white man with ownership of some of the tribal property, and whites, men and women; Sioux Indians, men and women, and Chippewa Indians, men and women were mingled there in the audience, and either one of the chiefs or the master of ceremonies should put to viva voce vote the question as to whether they should adopt a man into their tribe who was a white man and had no Indian blood, and should invest him with what the law did not invest him with itself, 167 acres of land, or 160 acres of land, would you consider that of any legal efficacy whatsoever?

Mr. GRAHAM. You are asking Mr. Dennis as an expert, now.

Mr. BURCH. No; this is a hypothetical question.

A. I would, Mr. Burch, as to the adoption into the tribe by the Indians, of Mr. Steenerson, subject to the approval of the Secretary of the Interior.

Q. That would be all, in your opinion, that would be necessary—a viva voce vote of that mingled crowd there?—A. I think it would

be a very proper time to adopt a man into the tribe at the annual celebration when all the Indians were assembled.

Q. Would you think so if it hadn't been the custom to do it that way?—A. Customary to hold the meeting or to so adopt——

Q. To so adopt a man into the tribe.—A. They have a great many times adopted people into the tribe.

Q. That way?—A. I don't know whether that way, or how.

Q. Very likely they may have done so; but on these occasions and with these mixed crowds that you speak of, did you ever know of such a thing?—A. I never did; no.

Mr. BURCH. That is all, Mr. Dennis. I don't wish to take the time of the committee any further.

Mr. GRAHAM. The light I am seeking has no special reference to Mr. Steenerson's adoption or anything connected with him. I have been wanting this light, generally, on all council proceedings with reference to the appointment of delegations to go to Washington, with reference to the transaction of a great many things. There has been testimony before us that there were meetings held and this action was taken and that action was taken, but so far as I recall I have not yet heard of any meeting where the testimony before us would show me that if it were a meeting of white people transacting public business the meeting was a lawful one or the business transacted was validly done.

Mr. BURCH. I call attention, Mr. Chairman, to the testimony of John R. Howard, Indian agent, at the first series of meetings held in Washington, in which he testified that during the three years that he had been there and as far back as he could learn there had never been a valid council, general council, of White Earth Indians held for the transaction of business such as the United States is concerned in, and I think, if you will examine the purport, that testimony is this: The testimony given on that occasion is that when the Indians themselves, for their own purposes—tribal purposes not connected with the Government—desired to hold a council, principal chiefs or some respectable number of them sent runners out with tobacco and gathered those who were willing to come together, and they there transacted their tribal business, such as, perhaps, electing chiefs or deciding upon any questions of their own Indian affairs; but wherever the Government of the United States is concerned, in its business dealings with the Indians, the council, or call for a council, must receive the sanction and be called by the Indian superintendent or agent. Now, I think you will find that that is the purport. If it isn't, I will put it in later on.

Mr. GRAHAM. I think it is substantially as in the record. I remember the testimony of Maj. Howard.

Mr. BURCH. It makes a difference. It is just like it is in Territories, where the same court, on the same day, tries one line of cases arising under the Constitution and laws of the United States, and another under the laws of the Territory of New Mexico or Arizona, or wherever it might be—their own personal affairs that the Government is not concerned in. The Indians are not bound regularly to recognize the Indian superintendent, and it is supposed to be none of his business, but wherever any business with the United States or its Government is in question, then the United States must participate through its agent. Now, this is a statement which we hope to

prove. I won't put it in the form of any authoritative statement, I will state it as being my understanding of it, which I hope to prove yet when some competent person comes up.

Mr. GRAHAM. Now, taking your statement as you make it here, as to the appointment of a delegation to go to Washington to represent Indians in legislation and other matters, would it be a purely Indian question, or one over which the Government would or should exercise supervision?

Mr. BURCH. Well, now, you put me on my honor; I say, Mr. Chairman, I think it should be a purely Indian question, over which the superintendent should have no authority, but I fear that in fact it has been the other way, namely, it would have to be called or sanctioned in some way by the agent himself. I think the real right of the thing is, if you will put me down to that point, that it is none of the agent's business if they want to send somebody there to represent their rights.

Mr. GRAHAM. They should have an opportunity of free and independent action?

Mr. BURCH. They ought to have a free opportunity to do it, but I fear that is not the case.

Mr. GRAHAM. Very well.

Mr. BEAULIEU. I am thoroughly familiar with the council proceedings, how they were called and held and how they are called and held at the present time; but I don't think I will make a statement. I think I prefer to introduce the statement of some of the old-time Indians when we reach Detroit, and which will explain the whole thing.

Mr. GRAHAM. I would be glad if it were cleared up. I would be obliged to you or to anyone who will clear it up for me.

Mr. BEAULIEU. To-day?

Mr. GRAHAM. At any time.

Mr. BEAULIEU. I will make the statement. I think I had better give it.

Mr. GRAHAM. Well, all right, if you are going to put it in in the way of evidence; it would be better not to fill the record with mere statements.

Mr. BURCH. I would like to ask another question or two of Mr. Dennis.

Q. Mr. Dennis, you are familiar with these laws?—A. Well, somewhat.

Q. Now, is it not true that under the treaty of 1867, upon which these matters are generally based about these allotments, that the Indians could get 160 acres; that is, these Indians could get 160 acres or up to 160 acres, by cultivating one-fourth of that amount?—A. I believe that is true; yes, sir.

Q. That is, if an Indian settled upon and cultivated 10 acres within the reservation, he would be entitled to an allotment of 40 acres, and so on up to the extent of 160 acres?—A. Yes, sir.

Q. But that was agricultural land, was it not?—A. Yes, sir.

Mr. BURCH. Now, all the Steenerson Act did then was to provide for a distribution of the pine lands, and without any work or cultivation? That is all the step in advance that it was—that they need not cultivate, and that each man, woman, and child who had taken an

original allotment might have this without work, and that it might be pine—the pine lands?

A. If you will let me go back just a little way, I will reach it.

Q. Yes, sir.—A. Mr. Rice promised the Indians in his treaty that every man, woman, and child should have 160 acres. He said nothing about the pine land or agricultural land.

Q. Nor improvements?—A. Nor improvements.

Q. I think you are mistaken, because he told Bishop Marty—I read here the other day into the evidence Bishop Marty's statement to him—whatever Mr. Rice may have said, they couldn't have pine lands; that would be kept for the tribe.—A. I may be mistaken as to the pine land.

Mr. GRAHAM. Well, it shows on the face of it that he must be wrong, because if it were pine land, how could they cultivate 10 acres in order to get 40?

A. Now, in answer to your other question. The Steenerson Act gave them an additional 80 acres of land.

Mr. BURCH:

Q. If there was enough?—A. If there was enough.

Q. It didn't mention pine?—A. I don't believe it mentioned pine or agricultural land.

Q. It did not.—A. And there is still some vacant land on the reservation, agricultural land, so that there surely has been enough. He was just simply fulfilling Mr. Rice's promise to the Indians.

Q. In stating that there is still agricultural land upon the reservation, I will ask you if you are not aware that the people have repeatedly been refused additional allotments because there was no more land, and are being——A. Possibly, within the last two or three months.

Q. Not previous?—A. There may have been some refused land before that, but there was a great deal of vacant land on the reservation up to three months ago.

Q. Then, if people had been refused land, whoever refused them that land at the agency did wrong?—A. I wouldn't say so.

Q. How would you construe it?—A. Possibly the Indian didn't know where the land was or that was vacant.

Q. Well, the agent surely could show him.—A. Possibly he could, if he wanted to.

Q. Wouldn't you think that an agent would be doing wrong if a question was asked by an applicant for an allotment, who was entitled to one, and refused to give that information?—A. He might be.

Q. Have you known of such a thing during Maj. Howard's time?—A. No, sir.

Mr. GRAHAM. Find out from Mr. Dennis how much vacant land there is there on the reservation.

Mr. BURCH. How much vacant land do you claim there is on the reservation?

A. I couldn't tell you, Judge. I know that after the State conflict was decided, that the agent has allotted a great many Indians land whose land went "swamp" within the last six months.

Q. Lieu land?—A. Lieu land; yes.

Q. You say the State contest has been decided in favor of the State?—A. Why, I understand so; that any person who had an allotment that went "swamp" was entitled to take a lieu allotment.

Q. The question I asked is, do you understand that the State has been successful in its claim of swamp lands before the department or in the courts?—A. It is, as far as it has gone, I understand. I won't say that it has been completed.

Q. How far is that?—A. I couldn't tell you.

Mr. GRAHAM. You mean by that, Mr. Dennis, that when some allottee happened to get swamp lands as a lieu allotment given him the swamp allotment he had theretofore reverts to the State ipso facto?

A. Well, it would depend upon the decision of the court whether or not it reverted to the Indians or to the State.

Mr. BURCH. I am informed by Mr. O'Brien that the Department has recognized that the decision is in favor of the State, and that the State is entitled to these lands, and that it has been so held.

Mr. GRAHAM. As soon as the new selection is made the old allotment at once goes to the State?

A. The Indian relinquishes his right to the old allotment and takes a lieu allotment. There has been ample land on the reservation to do that.

Mr. GEORGE. What is the nature of this land that you say is still in the hands of the Government?

A. It is the poorer or prairie land.

Q. Good for agriculture?—A. It might be.

Q. Good for anything?—A. It might be. It is the poorer land on the reservation.

Mr. GEORGE. Any timber?

A. Not more than brush, possibly; I am not familiar with the character of the land in any particular locality, only in driving.

Q. Nor the quantity?—A. Nor the quantity, nor the descriptions.

Q. By descriptions, you mean the locations?—A. Particular pieces.

Mr. GRAHAM. What is the general lie of it, Mr. Dennis? Is it level or rolling or hilly or what is the character of it?

A. It is level and rolling. It is not much hilly except over in the northeast part near Ebro somewhere. I think there are some hills, although I was never over there.

Q. By saying "poorer land," you mean that the soil is not rich?—A. Yes, sir; that is in comparison with the soil on the major portion of the reservation.

Mr. BURCH. You know Maj. John R. Howard, Indian superintendent?

A. Yes, sir; very well.

Q. And you know Mr. Kelsey, chief financial clerk?—A. Yes, sir.

Q. Then, if those gentlemen stated there were 31,000 acres on the reservation to complete allotments, additional allotments, would you assume that they were wrong in those statements?—A. They may have considered all the Indians that have been born since a certain year that they didn't allot them; I don't know the year.

Q. No; no. Leaving those out—excepting those. I know what you mean; but excepting those, if they have submitted letters here or other documents tending to show something like 31,000 acres, we will say that they were wrong, or in whole or in part wrong.—A. Well, that might be true, Judge, if all the Indians that are entitled to another allotment should come up and ask for it; but there have been vacant lands upon the reservation, and Mr. Howard now has in

his office a schedule of allotments containing probably forty or fifty or one hundred thousand acres of allotments that never have gone to Washington that he has allotted during the last summer, and there is still vacant land there subject to allotment.

Q. We will have to clear that up. So far as I am concerned, I am much obliged to you for the suggestion, because I didn't think it was possible.

Mr. BEAULIEU. Mr. Dennis, you mentioned here that by cultivating a certain amount of land the Indians could get 160 acres.

A. I understand, Mr. Beaulieu, that the law permitted that, and that some Indians did cultivate it. I understand that the law did provide that, and that some of the Indians in the early days cultivated 10 acres and got 40, and cultivated 40 acres and got 160 acres, and some of them cultivated more than 40 acres, but ceased to get more than 160 acres; that is, they were limited at the maximum of 160 acres.

Mr. BEAULIEU. Do you know whether an order was issued to the Chippewa Commission not to allot any more land under that provision of the law or treaty?

A. I never knew of such an order.

Q. You have never heard of such an order?—A. I have never heard of such an order.

Q. Well, now, when the Chippewa Commission made a promise to the Chippewas at White Earth that they should receive 160 acres of land, was not that in fulfillment of the treaty of 1867, if you know?—A. Well, I don't know.

Q. I want to read that—just a half dozen lines.

Mr. GRAHAM. What do you read from? And give the page of it.

Mr. BEAULIEU. It is the United States Statutes at Lage, volume 33, part 1, page 539.

Mr. GRAHAM. Go ahead.

Mr. BEAULIEU. I might as well read the title of the case. I have only got half a dozen lines to read.

[Mr. Graham here reads the act referred to, as follows:]

That the President of the United States be, and he is hereby, authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty or laws of the United States, in accordance with the express promise made to them by the commissioners appointed under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and to those Indians who may remove to said reservation who are entitled to take an allotment under article seven of the treaty of April eighteenth, eighteen hundred and sixty-seven, between the United States and the Chippewa Indians of the Mississippi, one hundred and sixty acres of land.

Mr. BEAULIEU. Yes; that is it. Now, when that bill was drawn up, wasn't it your understanding that it was only the Mississippi Indians that were to be entitled to 160 acres of land, they having been original owners of the White Earth Reservation?—A. Well, I don't know whether I formed an opinion as to what extent it went to.

Q. You didn't know anything about that?—A. I didn't; I don't recall that I did.

Q. I will prove that by other witnesses, so I will not interrogate you any more on that. You are not an expert on Indian matters or Indian councils, are you?—A. No, sir; very far from it.

Q. Do you know anything about the manner in which they call a council?—A. No, sir.

Q. You attended one council this month, did you not?—A. Yes, sir.

Q. As a representative of the Detroit Commercial Club?—A. Yes; a member of the Detroit Commercial Club.

Q. Do you know whether previous notice had been given for the meeting of that council?—A. I have forgotten whether I ever saw any written notice, or whether the notice that came to me was a verbal notice.

Q. You have seen the White Earth Tomahawk, have you not?—A. Yes, sir.

Q. Did you see in that paper a notice of the general council to be held at Mahnomen?—A. I did, sir.

Q. On the 3d of this month?—A. I don't know the date. I remember, now that you refresh my memory, that there was an article stating that there would be a council at Mahnomen on a certain day. A month ago, it was.

Q. Were you present at that council?—A. Yes, sir.

Mr. GRAHAM. Has any action been taken by any former council making the Tomahawk the official organ of the tribe?

A. I haven't any knowledge of that.

Q. In other words, is a published notice in the Tomahawk equivalent to notice to the Indians of the reservation?—A. I haven't any knowledge of that, Mr. Chairman.

Q. Well, go ahead.

Mr. BURCH. Was that notice signed by anybody?

A. I don't think so. I think it was a notice, a news item, or with a heading on it, although it may have been signed; but it is not my recollection that it was.

Mr. GRAHAM. Proceed, Mr. Beaulieu.

Mr. BEAULIEU. He doesn't know how notices are given, that is all. Was the council largely attended?

A. Yes, sir; I should say there were 125 Indians there.

Q. Did you notice any leading or prominent Indians of the reservation?—A. I did, many of them.

Q. Those that were apparently full-bloods, were they not?—A. Well, there were 10 or 12 sat over in the corner by the stove, that were in a body sitting down, that might be classed as full-bloods.

Q. How was this council organized?—A. You mean the organization within the council?

Q. Yes.—A. Some person took the chair and said the council would be opened and asked that the members of the council nominate first a chairman.

Mr. GEORGE. Was there any calling of a roll?

A. No, sir; some person nominated a chairman and the presiding officer asked for a vote. I think there was only one—there were two persons nominated, and they voted on them, and the person elected was declared chairman and took charge of the meeting. Then the chairman asked for nominations for secretary, and there were three or four nominations, and on voting on which one should be secretary the chairman divided off the hall and had everyone go to one corner

for one man and the other corner for the other man, and the man that had the most friends in his corner was declared the secretary.

Q. Did they all vote?—A. I think so, practically. There were some——

Mr. GRAHAM. Only once?

A. Only once; yes. They went into the opposite corners. There were a number there in attendance that didn't vote, because we were not participating at that time in the council proceedings.

Mr. BURCH. You hadn't been adopted?

A. No, sir; we hadn't been adopted into the council proceedings.

Mr. BEAULIEU:

Q. Was there an interpreter also named by the council?—A. Yes, sir.

Q. I don't wish to bring this out, because we didn't present that as authority under which we were acting. I believe Mr. Carl mentioned that the other day.

Mr. BURCH. I don't see that it is important. Mr. Carl seems to have abandoned us. Still, if the committee want it, I am willing to take it.

Mr. BEAULIEU. At the meetings of this council, those general councils on the 14th of June, do you know whether there were representatives from all the reservations in the State of Minnesota?

A. No, sir; I don't.

Q. You don't know?—A. No, sir; I don't know which reservations certain Indians came from, although I know a number of Mille Lac Indians and some Red Lake Indians; but outside of that I know nothing about Leech Lake or Winnibigoshish or Fond du Lac.

Q. Did you see any Red Lake Indians and Mille Lac Indians at that council?—A. I have always seen Mille Lac and Red Lake Indians at the councils I have attended.

Mr. BEAULIEU. That is all.

Mr. GRAHAM. That is all, Mr. Dennis. We are obliged to you.

Mr. O'BRIEN. We now offer in evidence, Mr. Chairman, a pamphlet entitled "Conference between the Secretary of the Interior and the Members of the Minnesota Delagation in Congress to Ascertain the Best Method for the Sale and Disposal of the Pine Timber on the Indian Reservations of that State."

Mr. GRAHAM. Is that the pamphlet to which Judge Burch called Judge Morris's attention yesterday?

Mr. O'BRIEN. Yes, sir; it is the same pamphlet.

Mr. GRAHAM. Will you let me look at it?

Mr. O'Brien hands pamphlet to chairman.

Mr. GRAHAM. Do you mean you offer the whole pamphlet—41 pages?

Mr. O'BRIEN. Yes, sir; it is the conference that took place leading up to the drawing of the Morris Act.

Mr. GRAHAM. But is it necessary to put into our record the entire 40 pages of this?

Mr. O'BRIEN. I might make this suggestion: That we could go through it and prune out such portions as are not necessary to illustrate the origin and development of the ideas that were afterwards embodied in the Morris Act. We could do that. Of course it is a

conference, and each new suggestion is taken up and adopted and disposed of.

Mr. GEORGE. How much would that cut out?

Mr. O'BRIEN. It would probably cut out two-thirds of it.

Mr. GRAHAM. Some of the matter is not very material for our purpose and about a matter which, in the judgment of the Chair, is remote and subsidiary. It looks, Mr. O'Brien, as though you ought to be able to curtail that without doing injustice to anyone. I think the committee would like to have you do it.

Mr. O'BRIEN. I really could do it in this way: Go through it and simply draw pencil lines through those portions that are not relevant.

Mr. GRAHAM. That is an excellent way, Mr. O'Brien.

Mr. O'BRIEN. So that the printer may understand it.

Mr. GRAHAM. Yes.

Mr. GEORGE. It would certainly help the subsequent reading of the record.

Mr. O'BRIEN. Then we will withhold it until that is done and offer it later.

Mr. GRAHAM. Very well. By the way, I know of no reason, Mr. O'Brien, why it couldn't go in at this point when you have done that.

Mr. O'BRIEN. All right.

Mr. Chairman, we expected to prove by Mr. J. E. Glass, of the Park Rapids Lumber Co., that on the diminished reservation—that is, the remaining 32 townships—the timber was divided in straight and strict geographical lines between three lumber companies, the Nichols-Chisolm Lumber Co. obtaining 150,000,000 feet or more of timber, the Park Rapids Lumber Co. obtaining 50,000,000 feet or more, and the Wild Rice Lumber Co. obtaining the remaining 50,000,000 feet or more. I have interviewed Mr. Glass myself, and received this information from him during the past summer. This morning I requested from the committee a subpœna for Mr. J. E. Glass, and placed the same in the hands of Mr. Hanlon, the sergeant at arms. Mr. Hanlon reports to me that Mr. Glass at the present time is in California and will not return for several weeks. I will therefore ask the committee whether it will be possible to produce Mr. Glass at Washington in the event we are able to subpœna him, or what arrangements, if any, the committee thinks could be made to secure this part of the testimony.

Mr. GRAHAM. When did he go to California?

Mr. O'BRIEN. Mr. Hanlon states that he recently left for California.

Mr. GEORGE. How recently? Since the hearings began?

Mr. O'BRIEN. Well, now, I wouldn't state that positively. I think probably it would be better to have Mr. Hanlon's own statement as to that.

Mr. POWELL. I think, if the committee please, I can enlighten you on that a good deal better than Mr. Hanlon or anybody else. Mr. Glass has been gone six weeks anyhow, or possibly longer. I don't know the exact date he left, but I will be pleased to furnish that information exactly this afternoon; but I do know that he went long before there was any talk of this committee coming into this territory.

Mr. O'BRIEN. If you say he left only six weeks ago——

Mr. POWELL. That would not be strictly true, because there has been some talk for the last six months of the committee visiting this territory. But the point I want to make is this: That Mr. Glass left, as he always has. He has not spent a winter in Minnesota for the past five or six years. The impression I want to correct is any possible suggestion that Mr. Glass went away on account of the coming of this committee. Mr. Glass did not.

Mr. BURCH. We will accept that as true if Mr. Powell states it.

Mr. POWELL. Now, another suggestion right along this line. Mr. Glass is president of the Park Rapids Lumber Co., and perhaps would know more about their business than the other members. I will undertake to do this: I will talk the matter over with the treasurer of the company, and it may be possible I can suggest some other one of that company who can furnish information as well or better than Mr. Glass. I suggest that out of consideration for Mr. Glass. Unfortunately, Mr. Glass is hard of hearing and a difficult man to do business with.

Mr. GRAHAM. We thank you for your suggestion, Mr. Powell.

Mr. POWELL. I am perfectly willing to take the time and see if there is not some other one—either the general manager of the company or some one—who can furnish that information. There will be no difficulty with reference to that matter.

Mr. BURCH. What Mr. Powell states is entirely satisfactory.

EDWARD AMON SANTWIER, sworn by Mr. Graham, testified as follows:

Examined by Mr. GRAHAM:

Q. Give your full name to the reporter.—A. Edward Amon Santwier.

Q. Where do you live, Mr. Santwier?—A. St. Paul.

Q. You are a young man. What is your age?—A. Twenty-one.

Q. What is your business?—A. I am a railroad man.

Q. In what particular line?—A. I have been braking for about six months or seven months.

Q. Running out of St. Paul?—A. Yes, sir.

Q. Has that been your occupation since you began working for yourself?—A. I was news agent before.

Q. In St. Paul?—A. No; I have been on the reservation. I worked on the reservation.

Q. In what part of the reservation?—A. Between Calloway and Mahnomen and Glenwood.

Q. On the railway train?—A. On the passenger train?

Q. Running through the reservation?—A. Yes, sir.

Mr. GEORGE. On the "Soo" line?—A. Yes, sir.

Q. Have you ever lived on the reservation?—A. Yes, sir.

Q. How long?—A. I lived there all my life with the exception of when I was out working.

Q. What part of it?—A. Right about 8 miles from Waubun, up the reservation, with my father until—and I lived at Waubun the rest of the time.

Q. Is there any Indian blood in you?—A. Yes, sir.

Q. How much?—A. In my estimation, I should judge one-sixteenth.

Q. Were you educated on the reservation?—A. No, sir.

Q. Where?—A. I was educated at Duluth, Minn.

Q. In what kind of a school?—A. A public school—the Irwin. I just went to the public school. I went no further.

Mr. GRAHAM. Proceed, Judge Burch.

Q. You were an allottee on the White Earth Reservation?—A. I was.

Q. Did you get an additional allotment?—A. I did.

Q. Had you an original allotment?—A. I did.

Q. Do you know Simon Michelet?—A. I did.

Q. After you secured that allotment did you have any talk with him or dealings with him?—A. I did.

Q. Respecting the procuring for you or recommending for you a fee-simple patent?—A. I asked for a trust patent, and he recommended me a fee-simple patent covering my second allotment.

Q. Covering your second allotment?—A. Yes, sir.

Q. He recommended it to you?—A. Yes, sir.

Q. State the conversation to the committee and what happened.—A. I was employed on the 'Soo" line as a news agent, and I had seen Mr. Michelet on the train, and, as my father had purchased my second allotment, I never had a trust patent for it, and I wanted to get a clear title to it, and I asked Mr. Michelet if he would get me a second-trust patent for the allotment, and he says, "Why not get a fee simple and cover the two of them?" In the meantime I had heard where the parties at the reservation were charging a fee for getting the fee-simple patent, and I was not in a place to get a fee-simple patent, so I asked Mr. Michelet if there was any charges to get a fee-simple patent. He told me at the time he was charging a fee of $10 to get them through quick, but to other parties he charged more, and, being I was working there, he would favor me.

Q. Was that while he was Indian agent?—A. It was; yes, sir. He was going to Detroit on Indian affairs, so I learned at the time. A couple of days afterwards I returned home and my mother was at home, and she told me about some affidavits that Mr. Michelet had sent her covering a fee-simple patent. I didn't know at the time what it was for. I knew I was a minor at the time and couldn't get a fee-simple patent or anything of the sort. So she told me not to fill out the applications, and when I saw Michelet I told him I filled them out, and he said that is all right.

Q. Did you swear to them?—A. No, sir; I signed them in my own house in front of my mother and swore to nobody.

Q. Did they purport to having been sworn to?—A. Why, not that I know of, Judge. In the meantime I saw Mr. Richardson, of Washington, at the annual celebration.

Mr. BURCH. Did you send them to Michelet?

A. I sent to Michelet from there.

Q. From where?—A. I sent them from Waubun at the time they were sent back. I heard nothing in respect to them whatever in the meantime. This was along about the celebration at White Earth which was referred to this morning, and I saw Mr. Richardson, of Washington.

Mr. GRAHAM. Who was Mr. Richardson?

A. Mr. Richardson was an attorney, was what I had learned.

Mr. BURCH. Mr. Richardson was the tribal attorney at that time?

Mr. GRAHAM. Mr. Richardson, of Washington?

A. Yes, sir. He is a little lame gentleman, and I had asked him——

Mr. GEORGE. Mr. Richardson, of the firm of Ralston, Siddons & Richardson?

A. I couldn't state, Mr. George. All I know is his name was Richardson and he was from Washington, because I learned when he came up on the train—I met him. Then I made a statement and asked him if there was any reason that I should pay Mr. Michelet for giving a fee-simple patent, and he told me no. The next time I saw Mr. Michelet he asked me if I had got my fee-simple patent. I told him I had. I had got it then, and then when I got my fee simple I told him what Mr. Richardson had told me at White Earth. He said, "No; you don't have to pay the money, but I thought you were going to pay me when I got it for you or I wouldn't have hurried it for you, as I did for you." Then I told him I was willing to be a man and stand up for it, but I didn't have the money to pay him the $10 for which he got this fee-simple patent for me. Afterwards I had sold, I recollect, this fee simple patent, I was referred to a gentleman that wanted to buy my land, which was the Farmers' Land & Loan Co., of Decorah, Iowa.

Mr. GEORGE. Who referred you to him?

A. They came to me living in the same town, after they knew that I had a fee-simple patent to the land—after they learned I had a fee-simple patent—this gentleman offered me a sale of the farm land, and I sold the land to these people—the Farmers' Land & Loan Co.

Mr. GRAHAM. Did you make the deed?

A. When did I make the deed?

Q. Yes.—A. It was in—I don't know just the date, gentlemen, but it was in 1908 that I sold the land.

Q. When were you of age?—A. I was of age in 1911.

Q. What date and what month?—A. June 16 last year.

Mr. BURCH. Did Michelet know that you were a minor mixed blood?

A. Why, I don't know. I never told him that I wasn't. He had my record at White Earth.

Q. Did he make any inquiry?—A. None whatever. All the inquiries that he made is what I have stated on the stand.

Q. When he suggested to you that you should get a fee-simple patent for both allotments—you thought—did you think strange of that, being a minor mixed blood?—A. I never took a thought to it at all. All I knowed—I didn't know that you had to be of age to get a fee simple. All I knowed I wanted something to cover both allotments that I had.

Q. The records of the office indicated that you were a minor?—A. It did; yes, sir.

Q. What your age was?—A. Yes, sir; it showed that I was 17 years old at the time.

Mr. GRAHAM. The records of the Indian Office?

Mr. BURCH. The Indian office. I mean the Indian office of which he was superintendent of White Earth.

Mr. GEORGE. The agency itself—not the office at Washington?

A. The agency at White Earth showed—the books—that I was 17 years old at the time I was given the fee-simple patent.

Mr. BURCH. And he first suggested to you, and you were surprised, you say, at it, that you had been given a fee-simple patent, and he would do it for $10.

A. Yes, sir. Which I thought it was a cheap for me.

Mr. GRAHAM. Did you actually give him any money?

A. No, sir; I didn't; after I had learned from Mr. Richardson that I hadn't ought to pay it.

Q. Do you know of others who actually did give him any money for that service?—A. No; I didn't, Mr. Chairman.

Q. Have you any other records—that is, the record in the agency office—as to your age?—A. Why, not only the record at the Indian Office and my baptism that my mother has got and given to Mr. Long over there.

Q. Were you baptized in infancy?—A. No; I was baptized in Rich Prairie, Minn.

Q. How old were you at the time you were baptized?—A. I was 3 weeks old.

Q. Well, I call that infancy.—A. Oh, yes; I didn't understand your question.

Q. Is there a record of that baptism?—A. Yes, sir.

Q. Into what church were you baptized.—A. I don't know the name of the church, but it was the Catholic Church at Rich Prarie, Minn.

Q. There was a permanent record kept by the church of all baptisms?—A. Yes, sir.

Q. Have you ever seen or consulted that record?—A. I have not. My mother has got it and turned it over to Judge Long.

Mr. GRAHAM. That is all.

Examined by Mr. BURCH:

Q. In respect to your allotment, did you ever attempt, before securing this additional allotment, to get a pine allotment?—A. I did. I didn't myself, because I was too young, but my father did.

Q. But were you with him?—A. I was down the first day with him. The second day I was at work.

Q. Who did you go to on this subject?—A. We went and got some minutes first, covering some pine land; I and my father and my sister and himself. He was to secure the allotments.

Q. You say your sister and yourself and "himself." Who does "himself" mean?—A. Well, my father.

Q. Well, that makes it clear on the record. Now, who to?—A. We got some minutes—my father got some minutes from an Indian surveyor—I don't remember the name, personally; I think it is Mr. McKeig, if I am not mistaken.

Q. Well, what did you do?—A. We got these minutes and we went to try to get in the office, and we couldn't get in the office the first day so we went back home. We couldn't get in. The line was backed up pretty near the warehouse trying to get into the office.

Q. That was the time of the allotment?—A. Yes, sir.

Q. All right; go ahead.—A. So we went back to our home at Waubun. My father said he would go down the next day. He had these minutes for the—a pine claim—for the timber. We had the minutes for valuable pieces—$15,000, one of them, and one that my

father had was $5,000, and one for my sister was worth about $12,000; and he had other minutes, other estimates of timber, but I don't know just what the estimation was on them. And when he got back the next day he had got references from Mr. Fairbanks and Mr. Gus Beaulieu and Mr. Theodore Beaulieu that they never thought they would hold these pine allotments, and referred my father not to get an allotment of pine, and switched my father off from the timber claim onto the prairie claim.

Mr. GEORGE. What do you mean by switching off?

A. Advised him to take other allotments.

Mr. GEORGE. Advised him; these three men did?

A. Yes. That is the statement he made to us when we got back to my mother and myself. My father is dead now, but I have witnesses to my mother's own statement that he was told they would never hold these pine allotments and not to take one of them, and he advised them to take prairie and timber land in the woods—oak. When he come back he told us that, and I asked him why he didn't take a pine claim for myself, for I, rather, and he told me the same thing. Well, I was too young to go take a claim myself, and I had to put up with it; and my claim was only valued at $800 when I had just as good a chance as the rest to get a valuable claim.

Mr. BURCH. You mean you should have had?

A. I should have had; yes, sir.

Mr. GRAHAM. To whom did you sell your allotment?

A. My allotment to the Farmers' Land & Loan Co., Decorah, Iowa.

Mr. GRAHAM. What did you get for it?

A. Why, I was offered a sum; and what I got was two different propositions. I got $1,300 and three lots, valued at $50 apiece, and a team of horses, and when I was making this transaction I was offered $1,500.

Mr. GRAHAM. Was your father living at the time you made the sale?

A. He was, and my mother was.

Q. Did they know it?—A. They did, and they rejected to not give me any money the night the deal was made.

Q. What?—A. They went down and informed Carl M. Jourlet not to give me any money.

Q. To prevent the sale?—A. To prevent the sale; not to give me any money.

Q. What effect had their protest?—A. He said that he had a clear title to the land, to the fee simple patent, with reference to the records at White Earth, which he received from Mr. Michelet—Simon Michelet—that I was of age, and that he had a clear title, and if I wanted the money I could have it.

Q. Do you know what knowledge or evidence he had as to whether you were of age or not?—A. I do not. All he had was a fee simple patent, and that fee simple I didn't know what I was getting. I knew I wasn't of age when I got it.

Mr. GEORGE. The agent says that Michelet told him you were of age.

A. That is what he told him. I got my record at White Earth, and it showed I was of age. My father went down the next day and found out I was 17 years old on the record.

At this point Mr. Dennis handed the chairman a question to be asked of the witness.

Mr. GRAHAM. Mr. Dennis, might the answer to the question you have submitted to me make the young man liable to a criminal prosecution? What is your statute of limitations for illegal voting?

Mr. DENNIS. I couldn't tell.

Mr. GRAHAM. I don't want to ask the young man this question without informing him as to his constitutional rights.

Mr. DENNIS. I am not sure as to whether it is three years or what it is on that.

Mr. GRAHAM. For a misdemeanor, in our State (Illinois), a year and a half is the limitation period.

Mr. BEAULIEU. It is three years in this State.

Mr. GRAHAM. Well, clearly the question would be a privileged question, if he wishes to claim the privilege.

Mr. BURCH. He has no counsel.

Mr. GRAHAM. I shall act as his counsel. I am requested to ask you whether you didn't vote at certain times. If you voted illegally—that is, before you were 21 years of age—the law provides that you need not give testimony against yourself which might be later used as a basis of a prosecution. You have a right to decline to answer the question.

A. No; I never voted. I was taken up once to vote, in Waubun, and when I got up there they asked me how old I was, and I told them I was 18 years old, and they told me I could not vote, and I didn't vote.

Mr. GRAHAM. Well, that is an answer to the question. Mr. Beaulieu, have you any questions you wish to ask?

Examined by Mr. BEAULIEU:

Q. Are you a mixed blood of a full blood?—A. I am, sir. I am a mixed blood.

Q. Were you present when the allotments were being made at White Earth?—A. I were.

Q. On the 24th day of April, 1905?—A. I wasn't on the 24th. I was on the first day; I don't know what day it was. The second I wasn't there. The first day of the allotment, when they had the line all up to the office. I don't remember the date personally, but I remember of being there the first day. The second day I wasn't there.

Q. Did you notice whether there was any discrimination made against the full bloods as in favor of the mixed bloods on that day by the Indian agent?—A. I did.

Q. You did?—A. Yes, sir.

Q. State that discrimination.—A. Why, at that day it seemed that none of the full bloods had a chance to get up to the front at all. I seen old Indian men that were away back in the line, and old Indian ladies standing there and trying to get in, and it seems as though men higher up went right by and got into the office, such as Mr. Gus Beaulieu and Ben Fairbanks.

Q. Did you ever know when Mr. Gus Beaulieu and Mr. Ben Fairbanks got their allotments?—A. No; I don't. I didn't keep no record and made no inquiries as to what time they got their allotments.

Q. How did you know that there was any discrimination made in their favor?—A. I don't make statement that there was anything in their favor; but it seems they was favored by going into the office when there was others——

Q. Did you see Ben Fairbanks go into the office any time that day?—A. I saw Ben Fairbanks and Gus Beaulieu go into the office.

Q. I am asking if you saw Ben Fairbanks——

Mr. GRAHAM. He has answered you. If he saw both, he surely saw one.

Mr. BEAULIEU. I want to bring something out in regard to myself.

Mr. GRAHAM. Well, answer it as he asks it. Take Ben Fairbanks; did you see him go into the office?

A. I did.

Mr. BEAULIEU:

Q. Did you see Gus Beaulieu go into the office?—A. I did.

Q. Did you see Gus Beaulieu go into the office with anybody else?—A. I did. I seen Gus Beaulieu and Ben Fairbanks go into the office together. That is what I said.

Q. You saw them go in together?—A. Yes, sir.

Q. You say that the full bloods had to stand back; they could not go in?—A. I didn't say all the full bloods, Mr. Beaulieu, if I remember right. I said there was full bloods and old Indian ladies away at the end of the line, and there was a good portion of mixed bloods on the front end of the line, and there was some full bloods. I don't say they were all on the hind end of the line, but it did seem as though the mixed bloods had a better chance than the full bloods, and they knew more about the allotments at that time.

Q. There was one line?—A. At the front of the door at one time there was a whole line pushed together.

Q. Was there only one line?—A. Yes; it was only one line.

Q. You didn't see two lines?—A. No; I didn't see two lines.

Q. You were there the first day?—A. I was there the first day.

Q. And you didn't see two lines the first day?—A. I didn't see no two lines; no; when I was there. I was in a mass of people who was trying to get in at once, and you would have to figure a good many lines to make it more than two lines.

Q. Do you know yourself, personally, whether Ben Fairbanks, Theodore Beaulieu, and Gus Beaulieu really gave the advice to your father as you say they did?—A. That is what I said; yes, sir. I got proof from my own mother, who is over in St. Paul now, when he came home from his trip that night, telling us why he didn't receive a pine claim for me and my sister.

Q. Did you hear them say so?—A. No, I didn't. I wasn't there at the time. I told you I was absent from White Earth that day and that is the statement my father made when he came back from White Earth.

Q. Now, there are two Theodore Beaulieus. Which one was it?—A. I have no reference to which one it was; Theodore Beaulieu is the name mentioned.

Q. Were there men around there who were selling minutes of the land?—A. They were, the first day, when I was there.

Q. And did anyone buy the minutes from them that were in the line?—A. I didn't make any observation to see if any transactions

of buying them minutes, but I know that my father purchased some from McKeig, which I mentioned.

Mr. GRAHAM. From whom?

A. McKeig, the surveyor up there. He is dead now. Mr. McKeig, I think.

Q. Did you get those allotments?—A. No; I didn't get either of them.

Q. Do you know why you didn't get them?—A. I just mentioned why.

Q. I didn't hear you. I want to know now.—A. The reason why we didn't get them was the information which my father had received from these three gentlemen that I mentioned their names, that they would never hold these allotments and that the land—that these allotments would be taken away from them and sold and the timber taken off of it and divided equally amongst all the Indians. That was the statement that was given to my father when he went down to purchase these pine lands for I and my sister and himself.

Q. Do you know whether he filed the applications for those lands?—A. No; he did not.

Mr. GEORGE. Do you know what became of those lands that were asked for?

A. He never got into the office, even, for a chance to get them.

Mr. GEORGE. Have you learned since what became of them?

A. No, I haven't. I never had a description of them myself. I didn't know the description of the land, but that was the statement of the minutes he had when he went up to the office.

Mr. BEAULIEU:

Q. You couldn't furnish, then, a description of the lands?—A. No, I couldn't. If he was alive, he could, very quickly.

Q. You don't know whether your mother could furnish those descriptions, do you?—A. No; I don't think she could. No.

Noon recess.

AFTERNOON SESSION.

D. N. WINTON recalled.

Examination by Mr. O'BRIEN:

Q. Mr. Winton, did you make any attempts at the time the mixed-bloods were permitted to sell their pineland on the White Earth Reservation to secure any of the pine timber for yourself from the diminished reservation?—A. Yes, sir.

Q. State when.—A. I think it was in July, 1906.

Q. What attempt did you make?—A. I employed some agents to negotiate with the Indians who had the power to sell their pine, and drew up a form of option, which was to be transferred into a contract offering them, if I remember, a price for their timber, to be paid as the logs were cut, bank scale.

Q. (Handing paper to witness.) I will ask you if that is a correct copy of that option?—A. It is.

Q. You examined this prior to this time?—A. Yes.

Q. Is it the same copy?—A. Yes.

Mr. O'BRIEN. I offer this, so that the witness may use it in testifying.

BURCH'S EXHIBIT 50½.

TIMBER OPTION.

———, Minn, ———, 1906.

In consideration of $1 to us in hand paid, the receipt whereof is hereby acknowledged, we hereby give to David N. Winter, of Thief River Falls, Minn., the right to purchase at any time within 60 days from the date hereof all the white and Norway pine timber standing, lying, or being on the following-described lands: ——— ———, situated in the County of ———, State of Minnesota, at the following prices, viz:

For white-pine timber, $12 per thousand feet, bank scale; for Norway-pine timber, $10 per thousand feet, bank scale; logs to be scaled by Scribner's Decimal C Log Rule.

All white-pine and Norway-pine timber to be cut that will make a 6-inch log 12 feet long.

In case a sufficient amount of timber can be grouped to warrant David N. Winton in going ahead with this venture this option is to be converted into a formal contract between the parties hereto, giving David N. Winton six years in which to cut and remove this timber. In which contract it shall provide that the timber is to be cut and removed on or before six years from date, and that a payment of $—— shall be made when the formal contract is so signed and executed, and shall further provide that when the cutting commences payment shall be made on the 15th of each month for logs cut, banked, and scaled the month previous.

This option shall apply to and bind the parties hereto and their successors or assigns.

——— ———.

STATE OF MINNESOTA, *County of* ———, *ss:*

On this —— day of ———, A. D. 1906, before me, a ——— ——— within and for said county, personally appeared ——— ———, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that —he— executed the same as ——— free act and deed.

——— ———.

The WITNESS. It amounted up to a considerable amount of this timber under these options, with the expectation of building a mill on the reservation.

Mr. GRAHAM. This option is a mere offer, is it?

Mr. O'BRIEN. The one that Mr. Winton prepared for use on this particular occasion, I understand it.

Mr. GRAHAM. This is the only form he used?

The WITNESS. I think that is the only form.

Mr. GRAHAM. Very well.

Q. Now, state what you endeavored to do in the way of purchasing timber—first, how much did you intend to purchase, if you know?—A. I was to purchase all of it if I could.

Q. How did you go about it; how did you go about securing these options?—A. I had some agents give an Indian a dollar and have him sign this option, and I got a lot of them together and then tried to have the department at Washington to sanction the option and let us build a mill there.

Q. Just a minute. Who did you employ to secure these options for you?—A. One, Mr. Gardner, as I remember, and Mr. Fairbanks—I think Mr. Fairbanks.

Q. Ben Fairbanks, was that?—A. I am not certain whether it was Mr. Fairbanks or not; but Mr. Gardner and Mr. Ed. Warren—I think Mr. Warren and Mr. Gardner did all this work.

Q. Mr. Warren was an Indian trader, was he not, at that time?—A. Yes, sir.

Q. What arrangement did you make with Mr. Warren as a consideration for his service in securing these options?—A. I think I told him he could have the store at the town which we would build in there; he could have the store privileges.

Q. Any town-site privileges?—A. I don't remember as to that.

Q. What arrangement, if you know, did you make with the "Soo" Railroad at that time?—A. They agreed to furnish us the steel necessary to build the road.

Q. How long a road?—A. About 25 miles.

Q. From where to where?—A. We had no definite points, but it took about 25 miles of steel.

Q. What was the purpose of this road?—A. To connect with the main line after we manufactured the lumber, and to ship the lumber out.

Q. That is, the railroad would run, then, from your saw mill, when built, to some point on the "Soo" road?—A. Yes.

Q. So you could take the lumber out after it was manufactured?—A. Yes.

Q. State what your experience was in obtaining this timber. How many of these options did you obtain?—A. As I recall, we had about one hundred and twenty-five or one hundred and fifty million feet of timber blocked up.

Q. In the options?—A. In the options.

Q. Will you explain to the committee, Mr. Winton, what your purpose was with reference to this timber, the price you were to pay, etc.?—A. The option shows that.

Q. I mean comparatively speaking, as compared with other prices that had been offered for the White Earth timber.—A. This was about the price that Mr. Herrick bid at the sale; the same price.

Q. How much?—A. Ten dollars for the Norway pine and $12 for the white pine.

Q. Was that, in your judgment, a good or a bad offer for that pine?—A. I think it was a good offer.

Q. Had any other offer been made up to that time?—A. Not unless it was Mr. Herrick's offer.

Mr. GEORGE. Do you mean a good offer for the Government or for the Indians?—A. For the Indians.

Q. Why didn't you go ahead with your plan, Mr. Winton, and secure that timber?—A. We couldn't get this sanctioned at Washington.

Q. Why not?—A. I don't know.

Q. Did you ever try to ascertain who prevented you from having it sanctioned, if anyone?—A. I don't know as I can remember trying to ascertain; I found we couldn't buy it and dropped it.

Q. Did you ever have any explanation as to who prevented you from buying it?—A. I couldn't tell where we were blocked.

Q. Did you ever have any suspicion as to who blocked you?—A. No; I couldn't say the exact—what the objection was, or whether anyone was blocking us, or whether the Government did not look with favor upon the proposition.

Q. Did you make any trip yourself to Washington in the interest of your options?—A. I think not.

Q. Did you have any correspondence with the department?—A. Yes.

Q. I will ask you if this is a copy of your letter to the department [handing witness paper].—A. Is that the letter I saw this morning?

Q. Yes.—A. Yes; that is a copy of Larrabee's letter to me.

Q. I got the wrong paper. Is this a copy of your letter to the Indian Office?—A. Yes.

Q. And this is Mr. Larrabee's reply?—A. Yes.

Q. We offer the letters in evidence in the order in which they are.

Mr. Winton's letter to the Commissioner of Indian Affairs, dated July 20, 1906, was marked "Burch's Exhibit 51" and offered and received in evidence:

BURCH'S EXHIBIT 51.

[Thief River Falls Lumber Co., lumber manufacturers. Charles J. Winton, president; Walter Alexander, vice president; D. N. Winton, secretary. John D. Ross, treasurer; D. N. Winton, manager.]

THIEF RIVER FALLS, MINN., *July 20, 1906.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: I inclose you copy of letter which I sent to Senator Clapp some two or three days ago, relative to some options I have been taking from the Indians on the White Earth Reservation.

It is my purpose, if we can group up enough timber to warrant it, to run a spur track in there 25 miles from the Soo Railroad and build a mill and manufacture this timber on the reservation there along the lines that you originally contemplated, we agreeing to pay $10 per thousand for Norway and $12 per thousand for white pine, bank scale, and all timber to be cut within six years.

We have grouped up there now something over 125,000,000 feet of timber. Some of this, however, belongs to full bloods and quite a little to minor children of mixed bloods. I would like very much to know if your department would sanction a move of this kind, letting us cut the timber belonging to the minor children of the mixed bloods under such rules and regulations as the department may prescribe, and also allowing us to cut the timber of the full bloods under such rules and regulations as the department may prescribe.

If we can we expect to go ahead with our venture, and I am sure that the Indians will get double the amount if the timber is cut according to our plans that they will if they sell it outright. There is a very strong feeling in favor of our going ahead with this movement throughout the whole reservation. The Indians are almost unanimously in favor of it.

I am inclosing you a plain form of option showing the way we are grouping up this timber. The timber is not worth anything to us unless we can group up enough to warrant our building a railroad in there, and there is no other company that is offering the prices that we are agreeing to pay in case we can block up enough to go ahead with this venture.

If we can get something definitely from you regarding this by early mail or by wire we will greatly appreciate it, as we are obliged to act quickly in the matter.

Very truly, yours, D. N. WINTON.

Acting Commissioner Larrabee's reply to Mr. Winton, dated August 3, 1906, was marked "Burch's Exhibit 52," and offered and received in evidence:

BURCH'S EXHIBIT 52.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 3, 1906.

D. M. WINTON, Esq.,
Thief River Falls, Minn.

SIR: The office is in receipt of your letter of July 20, 1906, saying that it is your purpose, if you can group enough timber within the White Earth diminished reservation to warrant it, to run a spur track 25 miles from the Soo Rail-

way and build a mill and manufacture the timber on the reservation; that you originally contemplated agreeing to pay the Indians $10 per thousand for Norway and $12 per thousand for white pine, bank scale, all timber to be cut within six years.

You also say you have grouped something over 125,000,000 feet, some of which belongs to full bloods and a little to minor children of mixed bloods. You asked to be advised whether this office would sanction a move of this kind, and let you purchase the timber belonging to the minor children of mixed bloods, and also full-blood Indians. You inclosed a copy of the option you are taking on the timber belonging to Indians of the reservation.

In reply you are informed that if the department consents to the sale of timber belonging to minors and full bloods of the White Earth diminished reservation, authority for the Indians to sell the timber will undoubtedly be granted to the highest and best bidder after proper advertisement. A copy of your communication to Senator Clapp, mentioned in your letter, was not received.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

Q. The letter of the Indian Department addressed to you in which the Indian Department does not consent to your options is signed by whom?—A. Mr. Larrabee.

Q. Who was Mr. Larrabee.—A. I don't know his official title; assistant to the commissioner, I guess.

Q. Assistant to the Commissioner of Indian Affairs?—A. I think so.

Q. Where was Mr. Larrabee from, if you know?—A. I don't know.

Q. Do you know anything about his residence at all?—A. Nothing whatever.

Q. Did you take any steps other than those which you have testified to?—A. Yes. I wrote some other letters.

Q. To whom?—A. I think I wrote to Senator Clapp.

Q. What did you write to Senator Clapp; do you remember the substance of the letter you sent him?—A. I asked him to help us to get that timber, if he could see his way clear to do so.

Q. Did you get any reply from him?—A. Yes.

Q. What did he say?—A. I think it was just a formal sort of reply that it would be taken up in the course of business, or something to that effect. I have forgotten the wording now.

Q. Was it taken up in the course of business, and did Senator Clapp assist you?—A. I couldn't say as to that.

Q. Mr. Winton, did you attempt to make any individual purchase of pine timber of the Indians other than by securing these options?—A. I think not. Not that I recall now.

Q. You immediately dropped the matter?—A. Yes.

Mr. GRAHAM. I think that is all so far as Mr. Winton is concerned.

Examined by Mr. POWELL:

Q. When did you start, Mr. Winton, obtaining these options?—A. I think it was in July, 1906, shortly after the 4th.

Q. This paper here shows a number of blanks and the price, I notice, of the white pine timber was fixed at $12 per thousand of the bank scale, and the Norway pine at $10 per thousand of the bank scale. The impression that you gave in your former testimony was that this was a pretty good price. Let me ask you if it is not true

that in a body of timber such as existed on the White Earth Reservation there would be a considerable variation as to the kind, quality, and value of the timber?—A. Yes, sir.

Q. In taking these options, is not this true: Did you not send these agents of yours through there to obtain options on the cream of the timber?—A. Yes.

Q. On the very best timber there was there?—A. Yes.

Q. Then you wouldn't say, would you, that $12 a thousand would be a fair price for all the white pine timber on the White Earth Reservation?—A. Well, looking at it from this distance, I think I was bidding pretty high for the timber, if that is what you mean.

Q. What I mean is this: You fixed a price of $12 on that timber upon which you were able to get an option?—A. Yes.

Q. You were prepared to pay $12 for the cream of the timber?—A. Yes.

Q. But, do you mean to say that you were prepared to pay at that time $12 for every log of white pine timber you could get off the White Earth Reservation?—A. If we could have carried this agreement through we would have taken every bit of timber on the reservation at that price.

Q. Do you think you would have had a profit to take all the timber, whatever its quality, at $12?—A. That is my impression.

Q. Where was this timber to be banked; at your mill?—A. No; we were to build a town in there, if I remember, on a little lake—I can not remember the name of the lake—and put logging roads out from that lake and bank into this lake.

Q. In what part of the reservation was that lake?—A. I think it was about 15 or 18 miles east of the Soo Road.

Q. East of what point on the Soo Road, will you say?—A. I don't recall that now.

Q. Was it on the north or south part of the reservation?—A. Somewhere near the center, as I recall it, on the east end of the reservation.

Q. Would you recall the name of it if you head the name of the lake?—A. I don't believe I would.

Q. You wouldn't remember?—A. No.

Q. What kind of logging roads did you plan on building to haul the logs into that lake—a logging road?—A. Yes.

Q. That didn't cover the railroad you have spoken of that the Soo furnished the steel for?—A. They made an agreement to furnish 25 miles of steel, as I remember it, and we were to use a sufficient amount of that to get into where we built that town and then have some left over.

Q. At the time you commenced taking options on the timber on the reservation, did you have estimates on all of it?—A. No.

Q. Did you make estimates as you went along?—A. No.

Q. Did you know at that time anything about how much timber there was there and its kind and quality?—A. I knew about the quality and the kind fairly well, but the amount I didn't know exactly.

Q. There was other timber there that was available for the market at that time, besides all that pine?—A. Some.

Q. Quite a lot of various kinds of timber has been manufactured into lumber right along since that time?—A. There was some.

Q. You didn't make any price on that?—A. No.

Q. In your proposition to the department, did you suggest that you would fix that price of $12 for all the timber you could buy there?—A. I don't recall.

Q. Did you undertake to bind yourself to buy all the rest of the timber you could get on the reservation at the same price you were putting in your options?—A. I think not.

Q. You didn't intend to do that, did you?—A. No.

Q. You wanted to leave a place where other timber could be purchased by you when you got a monopoly of the reservation so you could get the other timber at a price you could then make?—A. I presume so.

Q. You had some such an idea?—A. I had.

Q. How much were you paying down on that timber?—A. A very small amount. I have forgotten how much. I think only a nominal sum, a few hundred or perhaps a thousand.

Q. How much a thousand?—A. I don't recall.

Q. It was not over 10 cents a thousand, was it, cash payment you were making?—A. I think we figured it would have to take somewhere from three hundred to five thousand dollars on each claim, where there was good pine.

Q. That would run about 10 cents, wouldn't it?—A. In that neighborhood, possibly.

Q. The remainder was not to be paid on your proposition until the timber was cut and banked?—A. No. Yes; we were to bank one-fifth or one-sixth and pay for that each year.

Q. As to the remainder of the timber on the reservation, that that was covered by your option would be tied up, part of it at least, for six years?—A. Yes.

Q. And during that period you only had 10 cents a thousand invested in it and were not making any interest on that investment?—A. No.

Q. Nevertheless, you had the timber where you could get it when you wanted it—was that the proposition you had?—A. That in general was the proposition.

Q. That would have a very material bearing, wouldn't it, Mr. Winton, on the price that you could contract to pay for the timber?—A. It certainly would.

Q. It makes a difference when you are buying timber in so large quantities, whether you will be able to make it into logs and lumber and get your money out within a year, or whether you will have your money invested in stumpage for five or six years?—A. Yes.

Q. And the interest on the proposition you suggest would be quite an item, wouldn't it?—A. Yes.

Q. Then you were able to make this offset price for the timber you got on an option by reason of the fact that you had no money practically invested in it except a nominal sum of 10 cents a thousand?—A. Yes.

Q. You bought this timber, or rather bid for the privilege of buying it, at the so-called sale of 1905, a year previous to this time?—A. Yes.

Q. Do you recall how much you bid for the timber at that time?—A. I think it was $5 for Norway and $10.05 for white pine.

Q. A year later?—A. Yes.

Q. Stumpage had not materially advanced in price, had it, during that period?—A. No; not as much as that certainly.

Q. So that the only reason for this advance in price that you have named in your options, was the reason I have brought out in your examination, that you could afford to pay $12 a thousand for timber five years hence for the privilege of tying up the cream of the timber during that period. Is that the proposition?—A. Yes; that is correct.

Examined by Mr. GRAHAM:

Q. Taking into consideration the interest which you would escape under the option agreement, which do you consider the better contract, the better bid for the owner of the timber—the one contained in the option or the one you made at the sale? For which advantage do you say you would consider the bid the better?—A. For the owner of the timber. Well, there were so many owners to be dealt with on this last proposition, and in the first proposition it was with the one individual bid to the Government. I think I could have gotten the timber under this deal probably cheaper. I think it would have been more advantageous to us, this latter deal.

Q. The option agreement you offered?—A. I rather think so. If we could have rounded up enough so that we would not have had any serious opposition, for anyone else to come in and get that timber, I think this would have been a better deal for us.

Q. Would you have brought all of it to the one mill which you say you intended establishing?—A. That was the intention. There might have been some pieces that would not have come there that we would have had to sell.

Q. It would have been an advantage, then, to have all of it, which you would be willing to pay something for?—A. Yes. My opinion always was that some one firm ought to have all that timber. That was always my idea, and I still think so, that it was an advantage to sell it to one concern.

Q. Providing the sale could be made at arm's length between the buyer and seller?—A. Yes.

Q. That advantage and the advantage of having the use of your money for several years were the advantages you speak of?—A. Yes. It took a tremendous amount of money for any one concern to come in there and buy all that timber and pay cash for it like has been done since.

Q. Those advantages you estimate to be worth about $2 a thousand on the highest, best grade, of pine—the difference between about ten and twelve dollars. Is that it?—A. Well, I would rather pay $12 for the pine and pay for it as it is cut, bank scale, than to pay $8 and pay cash for it.

Q. But what difference might it make for you to pay cash on an estimate or pay for it after cutting according to bank scale?—A. The bank scale would probably be more than the estimate.

Q. If the estimate were such as I think you testified to formerly, wouldn't you more than make the interest by the difference between the estimate and the bank scale?—A. Well, possibly; but we were not in position, we did not care to figure on it and perhaps to try to raise that amount of money.

Q. I am not speaking of you individually, but of the question in the abstract. I think your statement before was that the estimate was about two-thirds of what the bank scale would show, in some instances.—A. I imagine it would run about that; in fact, that is an ordinary overrun in all timber, we find.

Q. Well, on that basis, wouldn't it be more advantageous to the buyer to wait and pay later when he had to pay for all that he cut?—A. That is quite a question; there are so many things entering into it—the chance of fire, the interest that you mention, the taxes, and the loss from windstorms, and other features, and a man would take no chance whatever if he paid for it bank scale.

Q. Under your option, who carried the risk of fire?—A. The Indian carried it.

Q. Is that stated in the option?—A. Well, if the timber burned up, we could not pay him for the bank scale.

Q. Aren't you deciding a question of law? Unless your option provided that the delivery was to be made at a certain time, and who was to stand good for the delivery, might it not be that when you bought it then as it was but to pay for it later the responsibility for fire might rest on you?—A. Of course, those options were to be changed into a formal contract if they were exercised, and in that contract we should have agreed to have cut the timber on his land within a certain length of time and pay as it was banked. Of course, if it burned up or was destroyed by fire or windstorm, there would be no logs to scale.

Q. Well, if you were buying stumpage from a white man who understood his business, do you think he would have assumed to carry all that risk; would that be a fair bargain unless there was some corresponding advantage?—A. Yes, sir; I think that would be the natural way in which it is done.

Q. Is there any insurance taken?—A. No; you can not insure standing timber. I think that is the general principle—that the holder of the timber has to assume that chance.

Q. Well, can the risk from fire be estimated in dollars and cents?—A. No.

Examined by Mr. BURCH:

Q. Do I understand from you that under this list of bids, led by Herrick, at the time they were rejected in 1905, you were to pay cash right down for the estimate?—A. No. No cash.

Q. You only had to furnish a deposit for good faith?—A. I think that was the idea, a bond or something to that effect, but no cash, no considerable amount of cash, if my memory serves me, it is just a little hazy.

Q. But were you to cut it all in one year?—A. No; practically along the line of time option.

Q. The chairman was misled by your answer.

Mr. GRAHAM. I was misled, rather, by Mr. Powell's questions.

Q. Then, the advantage the chairman had in mind was not at all a matter of difference between the bids you made the Government and the option you proposed to have the Indians sign as to the advanced cash, or anything of that kind?—A. No; there was not great amount of cash contemplated in the bid.

Q. The same thing; and were you, on the Government basis, to pay any interest on the estimate?—A. Oh, none whatever. The Government assumed all the risk or at least carried the risk.

Q. Just the same as the one in this option?—A. Exactly. That was the intention.

Q. Then there was no real difference between the two with respect to the money invested, loss of interest, or the assumption of responsibility for loss, or anything of that kind?—A. No.

Q. I understand from Mr. Powell's question, supposing a case where a man did actually put up the cash like has been done since—in other words, pay cash for each description and get the land and cut the timber on the land?—A. Yes.

Mr. GRAHAM. I got the wrong impression from it.

Mr. BURCH. That was the idea, but the chairman, I think, was somewhat misled and I wanted to clear that up. Now, the chairman asked you which proposition was better for the owner, or was not a certain proposition better for the owner, and Mr. O'Brien thinks your reply in response to that was, that so and so would be a better proposition for you; is that so?

A. Between this proposition and the proposition made at the time of the Herrick bid?

Q. Yes.—A. Well, the Herrick bid was the best proposition for the Indian, but we had no chance to get it. That bid was rejected and we came back with another proposition. We were not making this in the interest of the Indian, we were doing it in the interest of ourselves.

Q. This proposition, you think, was not as good for the Indian; is that what you wish us to understand?—A. That would be my opinion.

Q. This last proposition wasn't as good for the Indian as the Herrick bid?—A. Yes; that would be my opinion.

Mr. GRAHAM. Anything further, Mr. Beaulieu?

Examined by Mr. BEAULIEU:

Q. Was not the Herrick bid generally known as the Wisconsin plan?—A. That was the understanding; yes.

Q. Were you interested in the Wisconsin syndicates—that is, with the Stearns or Weyerhaeuser Lumber Co. at that time?—A. No, except that I was a Wisconsin man in 1900, but I was not interested in the Stearns and Weyerhaeuser companies.

Q. But you belonged to Wisconsin at that time?—A. Yes; in 1900, but not in 1905.

Q. Did you purchase any land in Wisconsin from the Chippewas there?—A. No.

Q. Do you know whether the Indians in Wisconsin received better prices for their lands than the Indians at White Earth, from the Nichols-Chisholm Lumber Co.?—A. Oh, I don't think they received half what they received at White Earth.

Q. You think, then, they received more—that is, for the pine timber that was sold under the Clapp Act—than was received under the Wisconsin plan?—A. They received a great deal more on the White Earth than on the Wisconsin plan.

Mr. GRAHAM. That might be either a commendation of the Clapp Act or a condemnation of the Wisconsin plan.

The WITNESS. It is a condemnation of the Wisconsin plan.

Mr. BURCH. So I think the facts will show. I think the facts will show there might have been a difference of another kind. I will ask you a question or two after Mr. Beaulieu gets through.

Q. Can you give the date that Ben Fairbanks was interested with you in the proposed purchase of pine at White Earth?—A. I can not say definitely that Mr. Fairbanks was interested in that. I would say that Mr. Warren was, but I can not say that Mr. Fairbanks was. That was in July, as I remember it, 1906.

Q. Did he not visit you at Thief River Falls?—A. Yes, he did; yes, he must have been interested. That is right.

Q. He consulted with you?—A. Yes: he must have been interested.

Q. And did you not come down to White Earth and visit him and consult with him?—A. Yes: Mr. Warren was the principal, but I think Mr. Fairbanks was also interested.

Q. You don't think that at that time he was interested with Mr. Nichols at all, with the Nichols-Chisolm Lumber Co.?—A. I have no idea that he was: no.

Examined by Mr. BURCH:

Q. Speaking of the Wisconsin plan, when did that Wisconsin plan take date?—A. I think under Grover Cleveland, in 1892.

Q. Was not there a great deal of difference in the price of pine in Wisconsin in 1892 and in 1905?—A. There was.

Q. An enormous rise in the value of pine?—A. There was.

Q. Does that account for the difference?—A. A considerable portion of it.

Q. That is, you would say they received a great deal less under the Wisconsin plan, as you term it, than under this White Earth plan?—A. Yes.

Q. There was nearly 12 years difference?—A. Yes.

Q. And pine had nearly doubled, or had advanced 60 per cent, anyhow, in that time?—A. It had gone up a great deal more than that.

Q. Well, how much, probably?—A. Well, it would be hard to say. It was tremendously more valuable in 1905 than in 1892, of course.

Q. Taking the difference in distance to market into consideration?—A. Yes.

Q. Wouldn't that account for all the difference that was received——A. Under the Wisconsin plan. There was another plan—they sold a lot of timber there in a very strange way—"shingle timber," about a dollar a thousand. Wherever the deal would go through they would sell it and scale it up as shingle timber, and a considerable amount of that was sold as shingle timber.

Q. Well, that was practically a fraud and not a plan, wasn't it?—A. I have always thought the Government ought to investigate some of their men, rather than the lumbermen, in regard to these Indians matters.

Mr. BURCH. It may be done. I don't know about that.

Mr. GRAHAM. Was there any of that in White Earth?

Mr. WINTON. That was not contemplated in any form on the White Earth. There was no shingle timber to be sold. It was cut pine.

Q. Do I understand that the timber you make shingles from is not as good as the timber you cut lumber from?—A. Well, there is very little—there is no good white-pine timber cut into shingles, but in 1892 there was supposed to be burned or down timber put into shingles. As a matter of fact, I guess it mostly went into logs and lumber.

Mr. GRAHAM. That accounts for the fact that down our way, at least, in shingling houses, about the time they get the job finished they might begin to reshingle. There is great complaint about the character of shingles we get.

Mr. WINTON. There are not very many good white-pine shingles any more. I might say some of them are not worth putting on.

Mr. GEORGE. Are the shingles made of the refuse or odds and ends?

Mr. WINTON. They are made of about the same stuff as the poorer class of slabs—rotten, defective timber not suitable for lumber.

Mr. GRAHAM. Proceed, Judge Burch.

Q. Tell them what punk is.—A. Well, there will be a little tree that will look pretty good, but it will be punky and rotten.

Q. Tell what punk it.

Mr. GRAHAM. Dry rot, I suppose.

A. Yes; the rot goes through it, and that is supposed to be used for shingles where it won't make a good, clean board 14 or 16 in length.

Mr. GRAHAM. Hardly strong enough to be handled?

Mr. WINTON. Yes; but between there are small places where you get a cut of shinkles.

Mr. GEORGE. That is soft wood

Mr. WINTON. Supposed to be soft wood.

Q. Sometimes between the wormholes you can get shingles?—A. Yes, sir.

Q. And also sometimes where it is very "limby" they did make them?—A. I guess you must have been in the lumber business.

Examined by Mr. POWELL:

Q. At the time you made your bid, in 1905, at what we call the Herrick sale, were you familiar with the Wisconsin plan?—A. Why, in a general way.

Mr. BURCH. The Herrick "near sale"?

Q. Call it the "near sale," then. In a general way, then, you knew the manner in which that plan had worked out on the Indian reservations at Lac du Flambeau and other reservations?—A. Yes.

Q. At the time you made your bid were you familiar with the regulations, rules, etc., sent out by the department when those bids were made?—A. Yes, sir.

Q. I want to ask you whether it is not true that a practical lumberman, such as yourself, being familiar with the Wisconsin plan and the regulations as they were laid down by the department at that time, couldn't see a great many different ways in which he could save money and avoid paying—practically paying—the prices made in those bids or those proposed contracts? Wasn't there advantages?—A. Oh, they could no doubt get advantages if they were so disposed. and not if they were not so disposed.

Q. That was not a sale outright, as has now been brought out, of the stumpage on the White Earth Reservation, was it?—A. It was not.

Q. It was more in the nature of a naming of prices——A. To be paid.

Q. To be paid. Prices to be paid to the Indians, or for their benefit, on sales to be made under the direction of the Secretary of the Interior?—A. Yes.

Q. And the persons to whom that contract—if you are pleased to call it that—was to be awarded were given a complete and absolute monopoly upon the pine on that reservation?—A. Absolutely.

Q. So that any element that might develop later on would be handled by that company entirely without any interference, opposition, or competition from outside?—A. Exactly.

Examined by Mr. O'BRIEN:

Q. Upon what information do you base your knowledge as to prices that were paid by the Nichols-Chisolm Lumber Co. for timber on the White Earth Reservation?—A. I have no idea of the prices they paid. I didn't mean to testify that I knew the prices they paid, because I don't know them.

Q. Well, you say the prices paid by the Nichols-Chisolm Lumber Co. were better than the prices that would have been paid if your options had become effective?—A. I didn't mean to so testify.

Q. Do you know whether or not the money paid by the Nichols-Chisolm Lumber Co. for this timber actually went to the Indians who owned the timber?—A. I know nothing whatever about their matters.

Mr. GRAHAM. Mr. O'Brien, will you explain the thought in your mind? Do you refer to that, or do you intend to cover by your last question, for instance, the money paid to Davies and such as that?

Mr. O'BRIEN. I mean the money paid to agents of the Nichols-Chisolm Lumber Co. for delivery to the Indians, which we expect to prove the Indians never received—middle-man money. By the time the money reached the Indian it was a rather surrowful pittance.

Mr. GRAHAM. Is that to be attributed to the company?

Mr. O'BRIEN. No; but it is to be considered in connection with whether or not this proposition which finally became effective—that is, the purchase of the Nichols-Chisolm Lumber Co.—was better for the Indians than the proposition which Mr. Winton made.

Mr. POWELL. I can state right there, Mr. Chairman, relative to the matter that was brought out the other day when I requested that one of the witnesses who was called be excused for the time being and the records of the company produced, that when they have produced checks and vouchers here before the committee showing the payments to the Indians and the payment of commissions in their dealings with the Nichols-Chisolm Lumber Co., when these are placed before the committee the suggestion that my brother makes will be entirely refuted.

Mr. O'BRIEN. Mr. Powell, I don't want you to understand that the last question I asked the witness was intended to elicit any information to the effect that the Nichols-Chisolm Lumber Co. itself had been guilty of swindling the Indians.

Mr. POWELL. Any suggestion of that kind gets a rise out of me right away.

Mr. WINTON. My opinion is that this hearing kind of centers around in a circle in which the Nichols-Chisolm Lumber Co. has been getting the best of the Indians up there. I don't know that the Nichols-Chisolm Lumber Co. has done any differently from any other men in their treatment of this matter. I believe they have made some good contracts with the Indians up there, but they have not made any better than I would have made, or better than any other lumberman in Minneapolis would have made if he had had the same chance, in my opinion.

Mr. O'BRIEN. That is, the lumberman goes after the timber wherever he sees it.

Mr. WINTON. Yes; and he makes the best deal he can.

Mr. O'BRIEN. And the best deal he can within his own conscience—such as his conscience may be?

A. Yes.

Mr. POWELL. If it should appear that the Nichols-Chisolm Lumber Co., or Mr. Nichols, representing that company, had dealt with the Indian as fairly as he would have dealt with a white man under similar circumstances, you would say that he was following the usual custom of lumbermen?

A. I would say that if the Government does not put restrictions over their wards in the sale of their property that they really ought not to blame the lumbermen for making as good a trade as can be made with those people.

Mr. GRAHAM. I think it hardly necessary to say to you, gentlemen, that the Nichols-Chisolm Lumber Co. or the Wild Rice Lumber Co., or Mr. Weyerhaeuser's company, or any of the other companies mentioned, are merely incident to the investigation so far as the committee are concerned. We are not trying them. We are trying to ascertain how the Government, through the Indian Office, permits the business of its wards to be transacted.

Mr. WINTON. I would like very much to see that shown, because I think it ought to be done in a businesslike manner.

Mr. GRAHAM. So that all their connection with the case is a mere incident which we have to go into, and go into it only because we have to in order to find out how the business was done.

Mr. O'BRIEN. I think that is all, Mr. Winton. I understand you wish to go away, and I don't know of anything to detain you so far as we are concerned.

GUS H. BEAULIEU was here sworn as a witness. After testifying for a few minutes, he was, by agreement of all concerned, withdrawn and his testimony ordered stricken from the records, this being deemed a matter of expediency for all interested parties, and Mr. Beaulieu consenting thereto.

GEORGE WALTERS recalled.

Miss Margaret Warren was at this time sworn as interpreter, to interpret for this witness or for any others as she might be called upon to do during the course of the hearings.

Examined by Mr. BURCH:

Q. Mr. Walters, have you now had an opportunity to talk with Mr. Wright and refresh your recollections with reference to the

occurrences at the so-called council of Maj. McLaughlin?—A. No; I have not talked with Mr. Wright. I only heard about the council with Maj. McLaughlin in the courtroom, and I heard only part of that, but not all of it.

Q. Do you now recollect any request being made by Maj. McLaughlin for further time to send out and get the voters—the warriors—in?

Miss WARREN. You will have to ask him very simple questions and short ones, because when I elaborate on them he forgets what I want to find out.

Q. Do you recall now anything about asking for further time before the vote?

Miss WARREN. You see, I have to tell him just when this occurred. He does not carry this on from sentence to sentence. He wants to ask you when this occurred.

Mr. BURCH. At the council, during the council with Maj. McLaughlin.

Mr. BEAULIEU. Let me explain.

Mr. BURCH. No; I wont; I don't want to if I can help it; I will try to make it plain.

Mr. GRAHAM. Nevertheless, if there is anything that is incorrect, we want to know it.

Mr. BEAULIEU. He says "I don't understand."

Mr. GRAHAM. Miss Warren, I think, will get it right. I have the utmost confidence in her.

Mr. BEAULIEU. Well, that is true; but the interpreter can not make it plain. He said to her, "I don't understand you."

Miss WARREN. He said, "I don't understand you. What do you mean by those votes and at what time," he said.

Mr. GRAHAM. Well, proceed. Now, judge, please make your questions snappy and pointed and don't repeat them.

Mr. BURCH. I would like the chairman to do the snapping.

Mr. GRAHAM. I don't know what you want or I would try.

Q. At what time, you ask. Now, I say, did anybody ask Maj. McLaughlin for more time before the vote was taken at the council?

Miss WARREN. He says Maj. McLaughlin said that now we will vote, and Pin-de-ge-shig, who is now dead, asked for four days' time so they could get the rest of their people there.

Q. What did Maj. McLaughlin say back or reply?

Miss WARREN. He said "No."

Q. What then happened? Did the full bloods go out or did they stay?—A. We Indians left the room. Ne-sho-gay, or Mr. Wright, accompanying us. Some few stayed to see what was going on.

Q. Were you one of those who stayed?—A. No.

Examined by Mr. BEAULIEU:

Q. Do you know anything about a petition that was sent to Washington through Charles Wright?

Miss WARREN. He asks if Mr. Wright was alone on that trip.

Q. I don't know. I couldn't say.—A. All I know is that Mr. Wright made the trip alone.

Q. You didn't finish the answer.

Miss WARREN. Oh, I have forgotten.

Mr. Beaulieu speaks in Chippewa to the witness.

Miss WARREN. When he took this paper?

Q. Do you know who have him this paper?—A. We gave it to him.

Q. Who handed it to him?—A. I don't know who handed the paper to him. There were a great many of us at the council.

Q. Did the paper contain just names, or was there a petition attached to the paper when they handed it to him?

Miss WARREN. You say "petition," Mr. Beaulieu.

Mr. Beaulieu speaks to witness in Chippewa.

A. (Through interpreter.) The paper was against standing allotments. There was about 317 names attached, or about that.

Q. Is that all the petition asked for?

A. Yes; that is all that the paper contained, nothing else.

Mr. BEAULIEU (producing paper). May I read the petition to him and explain——

Mr. GRAHAM. The whole of it?

Mr. GEORGE. What it the purpose?

Mr. BEALIEU. It is a short petition—so that he will understand it.

Mr. GRAHAM. Do you mean for the purpose of identifying it?

Mr. BEAULIEU. Yes.

Mr. GRAHAM. Isn't there any other way you can think of?

Q. Was the petition for the purpose of securing a reallotment?

A. Yes; we didn't like the way the allotments stood.

Q. Were you present when they signed that petition?

A. I was there when the paper was signed.

Miss WARREN. He indicates for his own vote.

Q. Where was the paper signed?

A. We signed that paper at Ain-deence's house.

Q. Where is Ain-deence's house located?

A. At the Gull Lake settlement.

Q. How far is that from the agency?

A. About 10 miles or more.

Q. Do you remember seeing Charley Thompson there?

A. I don't know who Charley Thompson is unless he has an Indian name. Has he not an Indian name?

Q. Do you know John Fairbanks?

A. Yes; I know the Fairbanks.

Q. Was he there?

A. I didn't see him there.

Q. Did you see Frank Porter, if you know him?

A. Yes; I know Frank Porter. He was here with me the other day.

Q. Was he there when they signed this petition?

A. I don't know who was present when this paper was signed. It was carried around from place to place for signatures.

Q. Different villages?

Miss WARREN. From place to place.

Q. Different villages?

A. Yes; the men who took this petition to be signed went from place to place telling the contents of the petition.

Q. Do you know Theodore Beaulieu—"Coffee," we call him?

A. Yes; if he is your younger brother, I know him.

Q. Did he sign the petition?—A. I didn't see everyone who signed the paper.

Q. Well, do you know how many of these persons whose names appear on this petition are mixed bloods?—A. I didn't see everyone who signed this paper. The ones who signed the paper were in opposition to the allotments.

Q. Well, don't you know as a matter of fact that more than half of these names which appear on this petition are the names of mixed bloods?—A. I suppose that they don't like the standing of the allotments is why they also signed.

Q. Do you know that Coffee Beaulieu was opposed to the allotments the way they were made?—A. I suppose that is why his name is on the paper, if it is there.

Q. Do you know what position Coffee Beaulieu took at the McLaughlin council?—A. I don't know his standing at that council.

Q. Wasn't there a charge made at one time that a whole lot of these names on what is known as the "Wright petition" were forgeries?—A. I suppose that the people signed, because the names are there.

Mr. GRAHAM. Do you think he understands that question? Is there any word, Margaret, corresponding with forgery in the Indian language?

Miss WARREN. That has to be described to him.

Q. Did you describe it so it would mean the commission of a crime?

Miss WARREN. No; I don't know.

Mr. GRAHAM. Falsely writing another man's name to the paper.

The interpreter again puts the question to the witness.

Miss WARREN. He said he didn't know of anyone signing—purporting to have signed that paper. If their names are there I suppose they have signed.

Q. I asked if he ever heard that an accusation had been made that the Wright petition was a forgery.

Miss WARREN. He says he never heard of it, but they believed the contents of that paper was opposing the allotments, and therefore they signed it. I suppose Gus Beaulieu didn't like this paper and that is why his name doesn't appear.

Q. No question about that. I have some questions that will take a little time, but these are questions that I would like to have asked by the chairman.

Mr. GRAHAM. You want me to ask questions of this witness?

Mr. BEAULIEU. Yes, sir; please.

The following questions were read by the chairman on behalf of Mr. Beaulieu:

Q. Do you know how much of the Chippewa fund has been spent each year for the last 20 years?—A. I have not counted the money and don't know.

Q. Do you know of $150,000 being spent out of the Chippewa fund every year?—A. Yes—I don't know that that amount is being spent every year.

Q. Do you know of any sum of money that is spent every year?—A. No; I don't know how much money is spent every year.

Q. Have the Chippewa funds been expended carelessly or carefully?

Miss WARREN. I don't believe I can interpret that.

Mr. GRAHAM. Interpret that, Mr. Beaulieu, if you can.

Mr. Beaulieu confers with witness and interpreter.

Q. Do you understand?

Miss WARREN. No; I can not tell.

Mr. BEAULIEU. He says if the Indian funds are gathered, settled—he said if they are going to settle the Chippewa matters, there is a good way in which to use them.

Mr. GRAHAM. Do you understand that, Miss Warren?

Miss WARREN. I don't know what he implies. I would have to quote that to convey his meaning.

Mr. GRAHAM. It is not responsive to the question asked, however. We will start again.

Mr. Graham resumed the questioning on behalf of Mr. Beaulieu.

Q. Do you approve of the way the Chippewa funds have been spent by the Government?—A. Yes; if it is for the use of the Indian and the money is spent in that way.

Q. Do you think it was spent for the good of the Indian?—A. I suppose that is for the benefit of the Indian in this way, in trying to settle the matters now.

Miss WARREN. He means the investigation.

Q. But before this investigation began, do you think the money spent out of the Indian funds was well spent?

Mr. Beaulieu interprets to the witness.

A. I don't know anything about that.

Q. Have the Indians found fault with the way the money has been spent out of their funds for a number of years?—A. At what time; now or in the past?

Q. For the past 15 or 20 years.—A. I don't know.

Q. Are there any Government Indian farmers on the White Earth Reservation?—A. There used to be before this time.

Q. Are there any now?—A. I don't know if there are any at this time.

Q. Did they go among the farmers and teach them how to farm when they were there?—A. Yes; years ago that was done.

Q. How many years ago?—A. When we first removed to the White Earth Reservation the farmers used to do that.

Q. Are there any field matrons on the White Earth Reservation?—A. No; I never see any field matrons.

Q. Do any women go about to the Indian homes teaching the Indian women how to keep house?

Miss WARREN. He answered that in his question before. He said, "I don't know of any women going to the house to teach Indian women to be neat in their work."

Q. How many clerks are employed at the agency office at White Earth?—A. I am quite sure of five being employed.

Q. Are any of them Indians?—A. One is.

Q. Did Agent Michelet have any Indians employed in his agency office when he was agent?—A. I used to see one there that was called Dan. Dan Morrison was his name.

Q. Did Michelet employ more than one Indian there?—A. That is the only one that I know. I didn't go to the office very much.

Q. Do you think members of the tribe should have preference in Government employment at the agency when the wages are taken out of the tribal funds?—A. If the person is of a choice, why, it is agreeable to me.

Q. How many reservation boarding schools are there?—A. At White Earth there are two.

Q. Are there any others on the White Earth Reservation than those at White Earth?—A. There is one at Pine Point.

Q. How many teachers are employed in all those schools?—A. I don't know how many there are; I never visited the schools.

Q. Do you know how many Indians there are employed as teachers?—A. I don't know that, either.

Q. Do you know how many Indians are employed at the schools, whether as teachers or otherwise?—A. I don't know.

Q. Do you know whether there are Indians on the reservation who are fit to fill those places?—A. No; I don't.

Q. Is there a sawmill on the reservation?—A. Yes; there is one.

Q. When was the last time any lumber was sawed in that mill?—A. I don't know when they sawed there last.

Q. When was the last time you knew of any being sawed there?—A. I don't know when they sawed there last.

Q. Is there anyone employed there now?—A. I don't know.

Q. Do you think the tribal funds now in the United States Treasury belonging to the Chippewas should be divided among them?—A. No.

Q. Do you think it would be better to let the funds remain in the Treasury and use them up to pay the Indians to do their own work?—A. I don't know anything about that.

Q. Have you any opinon as to what should be done with the Chippewa funds in the United States Treasury?—A. At this time I would not know what should be done with that money.

Q. Did you receive a pine allotment under the Steenerson Act?—A. Yes.

Q. Are you satisfied with it?—A. Yes; I am glad that I got this last selection of land.

Q. How many acres did you get?—A. Eighty acres at the last allotment.

Q. Did you sell the pine timber on it?—A. Yes; I sold it.

Q. How much did you get for it?—A. $14,000.

Q. Has a suit been brought in your name to recover this pine allotment back?—A. I don't know if it is in suit.

Q. Did you consent to that suit being brought?—A. I was interviewed about this, and it was taken in and suit brought on it.

Q. Did you offer to pay back the money that was paid to you for it?—A. No, sir; I didn't think anything about that.

Q. To whom did you sell it?—A. The lumberman at Frazee.

Q. What is his name?—A. I don't know directly what his name is.

Q. Did he pay the whole purchase price in cash?—A. Yes; he paid me $14,000.

Q. What have you done with the money?—A. I used it in many different ways.

Q. What was the largest purchase you made with that money?—A. I built a livery stable in connection with my brother-in-law.

Q. Where?—A. At Ogema.

Q. What did it cost?—A. On my part I paid $2,000.

Q. Did you buy any land with that money?—A. I bought two lots.

Miss WARREN. I think he doesn't understand.

Mr. BEAULIEU. That is right. He got it.

Q. How much land do you own?—A. Two 80's.

Mr. BEAULIEU. Two 160-acre tracts?

Miss WARREN. Three 160-acre tracts.

Q. Do you know how much pine timber you had on your allotment?—A. No; I don't know.

Q. Who fixed the price at $14,000?—A. I suppose the buyer did.

Q. Did you fix any price on it?—A. I didn't say anything, but accepted the price he offered.

Q. If they had offered you less, would you have accepted it?—A. Yes; I didn't see the pine, and probably would have taken less if offered.

Q. Whom did you sell it to?—A. The lumberman at Frazee.

Mr. BEAULIEU. Nichols?

The WITNESS. Nichols.

Q. Did you buy any of the tracts of land that you told us of with the money that you got for your pine timber?—A. Yes.

Q. How much?—A. $800.

Q. From whom did you buy these two tracts?—A. I bought land from Shay-now-we-gwon-abe, who is now dead. He released a mortgage on my father's land.

Q. Did you get fee-simple patents for the tracts you bought?—A. No; not any; nor the trust patents.

Q. Did you buy from mixed bloods or full bloods?—A. I bought from an Indian.

Q. Does that mean a full-blood Indian?—A. Yes.

Q. Has any suit been commenced against you on account of that?—A. I don't believe it is known I bought this land.

Q. I will repeat the question. Has any lawsuit been commenced against you for buying the lands from the full-blood Indians?—A. No.

Q. When you sold that pine timber, didn't you do so on the theory that you were a mixed blood?—A. No.

Q. Have you always worn your hair long, as it is now?—A. No: not all the time.

Q. How long a time have you worn it long?—A. About 10 years.

Q. When you are at White Earth do you dress the way you are dressed now?—A. Yes.

Q. When an Indian council is held, does one of the chiefs preside at the council because he is a chief, or do they choose some one else as a chairman?—A. Some one else is selected.

Q. Do the Chippewas have drums at their council?—A. No.

Q. Do they ever have drums at the council meeting?—A. No; I don't know if they ever have any then.

Q. In your judgment, which schools are better for the Indian children, the reservation schools or the nonreservation schools?—A. I am in favor of both.

Mr. GRAHAM. The next question is hardly worth asking, as his knowledge is so slight, but I will read it:

Q. Do you know of any Indians who are teachers or who hold good positions who were educated entirely in reservation schools, excepting the Catholic schools?

Miss WARREN. I have lost the question. Please repeat it.

Mr. GRAHAM. Mr. Beaulieu, it seems to me, as he has already testified that he does not know any of the teachers, it is hardly worth pressing the question.

Mr. BEAULIEU. Well, only Mr. Porter said the other day that reservation schools were better than nonreservation, and I want to bring out from the Indian that the nonreservation schools are a great deal better.

Mr. GRAHAM. But you could hardly show that by this witness. He does not know, and we know he does not know.

Mr. BEAULIEU. No; I didn't know but he might.

Q. Do you think some of the Chippewa funds should be taken for the purpose of sending some boys off to college somewhere and giving them a fine education?—A. Yes; I would be in favor of that; that is, for anyone seeking a higher education.

Q. Do you make any difference in the competency of an Indian who is under 40 years of age and one who is over 40 years of age?

Miss WARREN. I don't think I can ask him that.

Mr. BEAULIEU. I may explain this: That all Indians from 21 to 40 years of age are able to work, and I think it would be a good plan personally to turn them loose and make them work.

Q. Do you think every Indian who is young and strong and able to work ought to be made to work?—A. Yes; an Indian that can work ought to work.

Q. Do you think that such Indians ought to be given their allotments in fee, and if they want to spend them, let them do it?—A. I don't believe they ought to be given fee-simple patents for their land.

Q. How will you make them work as long as they have property to fall back on?—A. They would work if they had implements to work with.

Q. Do you think young, strong Indians ought to go out to work for white farmers by the month?—A. They ought to work for themselves.

Q. Do you think the young Indians ought to stay on the reservation, or do you think they ought to go off the reservation among the white people?—A. He ought to stay on the reservation.

Q. Would you like better to see the Indians marry among themselves and remain Indians always, or would you rather see them intermarry with the whites?—A. I am not thinking anything about the marriage question.

Q. But can't you think about it so as to answer my question?—A. Well, whoever loves one another ought to marry.

Q. No matter what the colors are?—A. Yes.

Q. Have you any race pride which makes you prefer to see your own race maintained in its purity?—A. Yes; I am proud of the Indian customs, and they ought to be followed by the Indian.

Q. Do the Indians on the reservation support themselves?—A. Yes.

Q. If any class is helped there, such as old people, about how many are there who are helped?—A. There is a home for indigent Indians.

Q. Are there many recent removals to the reservation?

Miss WARREN. He doesn't understand the question.

A. I don't know; if you mean anyone in particular, unless it is the Mille Lacs.

Q. How many Mille Lacs have been moved to the White Earth Reservation of late?—A. I don't know how many Mille Lac families are removed there recently.

Q. Do you know what is meant by a county poorhouse?—A. I don't know what you mean by the word "county."

Q. Don't you know of Mahonmen County and Becker County?—A. No.

Q. Do you know what is meant by a poorhouse?—A. Yes. It is a place where they keep the old people at home.

Q. Old people who are also poor?—A. Yes.

Q. Do you know of any White Earth Indians who are kept in poorhouses?—A. Yes.

Q. Where?—A. They are at the old folks' home at White Earth.

Q. How many?—A. I have seen them lately, but didn't count them.

Q. Are there many, or only a few?—A. There are quite a number of them.

Q. Men or women, or both?—A. Three men are there.

Q. Why are they so poor they have to go to that place to live?—A. Because they are blind and can not do anything for themselves.

Q. What did they do with their allotments?—A. I don't know.

Mr. GRAHAM. That is all your questions, Mr. Beaulieu. Are there any other questions to ask of Mr. Walters? That is all, Mr. Walters. Judge Burch, have you something else now?

Mr. BURCH. We have plenty of witnesses.

Mr. GRAHAM. Well, we had better make progress.

Mr. BEAULIEU. Mr. Chairman, I want to remind the committee that two or three days ago Mr. Linnen made some charges against Ben Fairbanks and myself. He said he could show by affidavits—that is, he had affidavits which would sustain those charges, and he promised to produce those affidavits so as to give us a chance to refute them if we could do so. For that reason I would like to have him produce them as soon as possible so that we may take steps to get witnesses to refute the statements that have been made in those affidavits as he has stated.

Mr. GRAHAM. That is a reasonable request.

Mr. BURCH. We will comply with his request. Mr. Linnen, please take the stand.

Mr. BEAULIEU. Also, I want to state that he made a statement that I had made affidavits that certain full bloods were mixed bloods, and I would like to have those affidavits produced.

Mr. BURCH. We had not expected to take that course, but we will comply with the chairman's request on the spot. We would also be glad, if this tedious examination such as we have had part of the time is to be continued, if we could have an evening session; because

I don't see how we can possibly get through within any reasonable length of time, Mr. Chairman, if we do have that class of questions put to people who don't know anything about it. I don't want to complain, but only to announce my willingness to work overtime.

Mr. GRAHAM. The Chair feels we should take you at your word, Judge Burch, but we much regret to say that we have made an engagement which will prevent our coming back this evening. However, we will remember your offer.

Mr. BEAULIEU. I want to say that these questions that have been suggested by me are not mere idle questions, and we expect to prove how the Chippewa money has been expended. In fact, that is one of the principal things we will try to show.

Mr. GRAHAM. Mr. Beaulieu, the delay was not in the questions themselves; it is in fact a saving of time to suggest them in writing as you have done, because one is always briefer when he writes than when he talks. It was in the witness that the delay occurred, rather than in your questions, and there is no way to avoid it. We have simply got to put up with it and pretend that we like it.

E. B. LINNEN, recalled.

Examined by Mr. BURCH:

Q. Go right ahead, Mr. Linnen. You have heard the statement of Mr. Beaulieu and you know what he wants. First, the affidavits that relate to him and your general statement the other day respecting Beaulieu and Fairbanks.—A. In my report on timber lands I made reference to four affidavits, No. 62, No. 227, No. 237, and No. 312. I have those affidavits here and will be very glad to read them.

Mr. Linnen then read the affidavits mentioned as follows:

Affidavit No. 62.—Be-daw-see-gay, dated August 23, 1909.

That he is a full-blooded Indian of the Otter Tail Pillager Bands of Chippewa Indians belonging to and residing upon the White Earth Reservation in Minnesota, and that his father's name was Ah-yah-be-dway-we-dung, and his mother's name was Kee-che-quay.

Affidavit No. 62.—Be-shaw-see-gay, dated August 23, 1912.

One year ago I took the trust patent of my additional allotment No. 1674 for N. ½ NE. ¼ section 14–142–37 to Gus Beaulieu's office at White Earth. Bob Beaulieu had been to see me. The allotment was valuable pine timber. Gus said the timber was worth $2,200. I asked if he thought that was all it was worth, and he said "yes." I sold it for $2,200. I gave my trust patent to Gus. He asked if I was a mixed blood. Gus had me sign papers.

Early in December, 1908, I went to White Earth again and saw Gus Beaulieu in his office. I took the trust patent, No. 2291, for lot 2, section 28, and lot 2 and SW. NW. section 33–145–40 of my deceased child, Me-zha-ke-be-nainee, aged 2 years. It was hardwood timber, also some spruce, and the trust patent of my wife, De-be-sko-ya-she-quay, her additional allotment No. 1675, for S. ½ SE. ¼ section 10–144–40. Mr. Beaulieu procured for me a fee-simple patent at the time I sold my timber and land referred to above. He said he would procure a fee-simple patent for my wife's allotment and deceased child's, but that it would take some time.

I handed the two trust patents to Gus, and he asked me what price I wanted for them. I told him I would take $900 each for the two eighties. I have not seen Mr. Beaulieu since I talked over the matter with him. My wife was present and signed papers.

Affidavit No. 62.—De-be-sko-ya-she-quay, dated August 25, 1909.

I am the wife of Be-daw-se-gay, and I was present at Gus Beaulieu's office when my husband, said Be-daw-se-way, sold his pine to Beaulieu for $2,200, as referred to in the affidavit No. 62 of my husband, said Be-daw-se-gay. I was also present when Beaulieu stated that he would procure a fee-simple patent for myself.

I have had read and explained to me the affidavit of my husband, said Be-daw-se-gay, and being present at the time both transactions mentioned in said affidavit occurred I know that the statements made in said affidavit are true and correct.

Affidavit No. 62.—Be-daw-se-gay, dated August 25, 1909.

About four years ago I told T. B. Beaulieu to select a good pine claim for me. He did so, and I filed on a good pine claim. I did this when Beaulieu took me into the office and showed me what I was to get. The agent told me the claim was worth $7,000.

A year afterwards I met Mr. Beaulieu, and he said that someone else was given my pine allotment. I asked him how that could be. He said someone else had filed on it and had taken it away. I asked who did that, and he said Julius Brown took my allotment after I had filed on it.

When I drew $200 of the money due me for my timber in the White Earth Bank, Gus Beaulieu had two men there making out papers. As I walked out Beaulieu said to sign these papers. I did so. Then Gus said, "You have signed papers that you are a mixed blood."

Affidavit No. 227.—Mah-dash, dated September 8, 1909.

I sold my additional allotment No. 547 for N. ½ SE. ¼ section 11-142-37 and lot 8 of section 7-142-40, which was pine timber, to the Nicholas-Chisholm Lumber Co., of Frazee, Minn. Ben Fairbanks made the deal for them with me. Mr. John Lynch first tried to buy, but Gus Beaulieu would not give up my trust patent, which he had. Then Gus Beaulieu and Ben Fairbanks bought this pine land from me. They gave me $1,000 cash. Gus Beauleiu paid it. Gus Beaulieu and Ben Fairbanks got Gah-gah-sin-de-bay to make an affidavit that I was a mixed blood. This was not true. I told them I was a full-blood Indian and they knew that it was so. The papers that I signed were not read to me and I did not understand them.

Affidavit No. 237.—Mah-con-dwa-we-ne-ne, dated September 2, 1909.

I sold the pine on my original allotment No. 4761 for S. ½ NE. ¼ section 24-145-40 about three years ago to the Nichols-Chisholm Lumber Company, of Frazee, Minn. I received $6,600 for the timber on this land. My brother-in-law, Mr. Elmer Antil, estimated this timber and told me there was one and one-half million feet of pine on this land. Gus Beaulieu sent for me to go to White Earth to buy this timber. When I got there I went to Gus's office and found Mr. Nichols and his clerk there. They offered me $6,600 for my timber on this land, and I sold. I signed paper in Gus Beaulieu's office. Gus Beaulieu was the interpreter. I was not asked if I was a mixed blood. I am a full blood. Elmer Antell helped them get this timber from me. He asked $800 for estimating this timber. I gave him $300. I never hired him at all.

T. B. Beaulieu had me sign an application for a patent in fee. I received same. The timber has all been cut. Ben Fairbanks said I was not a mixed blood.

Witness, Georgia Lacy.

Affidavit No. 312.—Ne-gaw-nah-cum-ig-go-quay, dated August 28, 1909.

I have sold one allotment—my original No. 4946 for SW. SE. and lot 5 section 30-144-39—last summer to Gus Beaulieu at his office in White Earth. I had my trust patent with me. I showed it to him. He kept it. Ben Fairbanks came to the office while I was making a deal with Gus Beaulieu. He went away to his store and Beaulieu gave me $25 and a note to take over to Fairbanks. When Fairbanks got through reading it he gave me $25.

When I went to Beaulieu's office I told him I wanted $1,000. The cruiser had told me it was worth that much. Beaulieu said he would not give $1,000. He said he would give $400. I didn't know any better, and I said I would take it. Since I got the $50 I have only received $40 in cash. The last time I went to him he would not give me any money, but gave me an order on Fairbanks's store for $10. I don't know whether the timber has been cut yet.

I saw Beaulieu about three weeks ago at White Earth and asked him for some more money on the price of the land He said he would not give me any more money. It was after the investigation had begun. He did not like the looks of it. He gave me another order for $10 on Fairbank's store.

When I sold the land to him he asked me if I was a mixed blood, and I told him I was a full blood and that he would see I was a little white if I was a mixed blood. He kept urging me to say I was a mixed blood, and at last I said I was a mixed blood, and I signed a paper that I was a mixed blood.

Witnesses: J. Weston Allen and Star Bad Boy and Warren K. Moorehead.

Mr. LINNEN. These are the four affidavits that were referred to in my report relating to Mr. Beaulieu and Mr. Fairbanks. There are four in one, No. 62, and three others under separate numbers.

Mr. BURCH. Along the other lines—those are the Beaulieu and Fairbanks affidavits? While we are at it, I think if you desire to keep on a while longer, there are three or four other lines—we can work a little longer.

A. The other affidavits that I referred to in other parts of my report I will read as I come to them.

Q. Just state the general purport of each particular line that you desire to read to the committee?—A. In the report touching the whisky problem, I recited that we had affidavits showing certain Indians were under the influence of liquor when they sold; we have three such affidavits—No. 251, No. 425, and No. 456.

Mr. BEAULIEU. Mr. Chairman, the reason I asked for the information was to enable me to take steps to get witnesses to refute these statements. These are plain as can be. We never claimed that those parties were mixed bloods. If Mr. Linnen had examined the records he would have found that they were not reported as mixed bloods.

Mr. BURCH. Upon what ground then did they sell?

Mr. BEAULIEU. Well, they went and passed an examination by the agent and got their fee patents and came and sold them as competent full-bloods.

Mr. BURCH. How did they show that?

Mr. BEAULIEU. If you had examined the records the records would show that.

Mr. GRAHAM. Well, that is a matter for subsequent proof.

Mr. BURCH. Proceed relative to the Indians who were influenced by liquor.

The witness then read affidavit No. 251, as follows:

Affidavit No. 251.—Me-sha-kee-bin-nay-seek (Mary), dated September 1, 1909.

About three years ago I sold my only allotment, No. 3221 for W. ½ NE. ¼ section 11-144-42, to Levi Sanders, of Mahnomen, Minn. He said he would pay $900, but has only paid small amounts. I think about $200. Sanders gave my husband and myself money and told us to buy liquor. He asked if I was a full-blood and I said I was half French. We were pretty drunk by the time we got through signing papers. I said I was half French because Sanders had given me money for liquor and I was under the influence of liquor. I know that I am a full-blood.

Witness, E. B. Linnen.

The witness also read affidavit No. 425, as follows:

Affidavit No. 425.—Pete Reese, dated August 3, 1909.

Two years ago we sold the pine off my wife's additional allotment, No. 1373, for E. ½ SW. ¼ section 19-142-37, to the Nichols-Chisholm Lumber Co. for $150 cash. Ben Fairbanks made the deal. He asked if we were mixed bloods and I said no, but he made us sign papers that we were mixed bloods.

The witness then read affidavit No. 456, as follows:

Affidavit No. 456.—Sah-gah-ge-wa-ge-shig-o-quay, dated July 30, 1909.

I sold the original allotment of my deceased husband, George Brunette, No. 2270, for W. ½ NW. ¼ section 17-141-37, three years ago to A. S. King, of Lake Park, Minn. Frank Smith acted as interpreter. He took me to his house. It was prairie land. I was paid $100 by A. S. King at Detroit, Minn. I went down with Frank Smith. He took me there. I gave Frank Smith $20. I was drinking. Frank Smith gave me liquor to drink before I went to the courthouse. I was under the influence of liquor when I sold this land. King said he would probate this estate. He did not ask if I was a full blood.

I also sold the original allotment, No. 2684, for S. ½ NW. ¼ section 1-141-38, of my first husband, Gay-dah-gi-be-nace, to the same party, A. S. King, about a month later. I got only $38.50. A. S. King paid me that much. Frank Smith took me to Detroit and acted as interpreter. He gave me whisky. I was drunk when I sold. I gave Frank Smith $20 this time, too. Mr. King said he would probate this estate. They did not ask if I was a full blood. I am.

Toward spring Cliff Tubbs sent Frank Smith after me to go to Park Rapids, Minn. I had given my deceased husband's (George Brunett's) land during the winter previous to A. S. King, to be probated, and he had paid me $100. Then I went with Frank Smith to Park Rapids. He took me into B. F. Wright's, I think. Mr. Cliff Tubbs was there, and said he would give me $500 for my dead husband's (George Brunett's) allotment. I signed papers there. I was drunk when I sold. Cliff Tubbs, the saloon keeper, to whom I sold, gave me whisky. So did Frank Smith. Cliff Tubbs gave me $20 there; later, at different times, he gave me some money and some whisky. He charged me over $100 for the whisky he gave me at different times. I did not get from Cliff Tubbs, all told, quite $100 in cash; mostly whisky. Mr. Tubbs paid Frank Smith, who brought me to him and acted as interpreter. This Mr. Cliff Tubbs did not ask me if I was a full blood. Tubbs used to give me whisky in his saloon. Mr. Tubbs told me he paid A. S. King back the $100 he had given to me, and also that he paid the cost of probating the estate. He said both cost $400. Mr. A. S. King has the trust patent of Gay-dah-ge-be-nace. His daughter, who went down with me, Che-kance, also got $38.50 from A. S. King. She was one of the heirs. She was drunk, too. Frank Smith gave us the whisky.

Witnesses: Charles Moulton and Georgia Lacy. Interpreters: Charles Moulton and Rose Ellis.

Mr. LINNEN. These are the whisky affidavits that I made mention of in my report. However, there are a great many more of these—five hundred or more affidavits.

Adjourned until 10 a. m. Thursday, February 1, 1912.

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WHITE EARTH RESERVATION

No. 16

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE RESOLUTION NO. 103

TO INVESTIGATE THE EXPENDITURES IN THE INTERIOR DEPARTMENT

FEBRUARY 1, 1912

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

EXPENDITURES IN THE INTERIOR DEPARTMENT.

(Committee room No. 296, House Office Building. Telephone 591. Meets each Monday.)

JAMES M. GRAHAM, Illinois, *Chairman*.

HENRY GEORGE, Jr., New York.
WALTER L. HENSLEY, Missouri.
OSCAR CALLAWAY, Texas.
FRANK W. MONDELL, Wyoming.
LOUIS B. HANNA, North Dakota.
CHARLES H. BURKE, South Dakota.

JOHN F. McCARSON, *Clerk*.

WHITE EARTH RESERVATION.

FEBRUARY 1, 1912.

Appearances as previously.

Mr. BURCH. I desire to say this morning that the developments which change from day to day lead me to announce that from the necessities of the case devolving upon me, with the assistance of my associate, seem to call for this kind of action, if the committee will agree, namely, that we clean up to-day if possible, or to-day and a part of to-morrow—it might even take all of to-morrow—what we have ready, and that then an innings be given, so to speak, to anybody else whomsoever; and possibly, if the committee so intend, that a trip be made to Detroit and wherever else the committee see fit to go; and that we be allowed a day or so after the committee's return to put in the remainder of our testimony or evidence, giving anybody opportunity to reply. I assume that the committee would be glad to close its labors at least next week, and by taking the course I suggest I think that we can expedite the committee's conclusion of their labors here by such action as I have indicated. If that would be satisfactory to the committee, we will push things to-day and this evening and endeavor to get as far as we can at the present time with our matters.

Mr. GEORGE. You will finish by Friday night, at least?

Mr. BURCH. By Friday night, at least, and possibly by Friday noon, if you hold an evening session to-night, although that would be rather sudden to announce to the other side.

Mr. GRAHAM. Mr. Beaulieu, have you yet made up your mind, and others who are acting with you—have you reached a conclusion as to what witnesses, if any, you intend calling here at Minneapolis?

Mr. BEAULIEU. Well, if you are going to Detroit, I don't think we will call any here at Minneapolis who are not living here.

Mr. GRAHAM. Well, I think the committee will go to Detroit. There are a large number of witnesses to be called there, I presume. Do you so understand it?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. Well, it is cheaper and more convenient for the committee to go to them than to bring them here, and I think we should go to Detroit and I think we will; and if we could wind up the matter as far as practicable to do it, so as to get through and be ready for work Monday morning, it would be very desirable.

Mr. BEAULIEU. I have, I think, one or two witnesses—one, anyway—that I would like to introduce his testimony down here. Not with regard to White Earth matters particularly, but with regard to expenditures of the Indian office—how they were expended.

Mr. GRAHAM. Very well. Will you get him in without a subpœna, or do you want a subpœna for him?

Mr. BEAULIEU. I couldn't say. I will furnish his name, and I think we had better have him subpœnaed.

Mr. GRAHAM. Wouldn't it be better to have him subpœnaed at once?

Mr. BEAULIEU. Yes, sir. I will get the name.

Mr. BURCH. Perhaps the committee may not quite clearly comprehend. I don't see how they could, from the very nature of things. The situation as to parties here, if there be such a thing——

Mr. GRAHAM. We do not recognize such a thing as parties at all.

Mr. BURCH. As a practical factor, the situation resolves itself that way, nevertheless. I suppose everybody could be held here who has anything to communicate, but Mr. Powell represents the Nichols-Chisholm Lumber Co. and the Park Rapids Lumber Co., and I don't know whether the Wild Rice Lumber Co. or not.

Mr. GRAHAM. I am glad you mention that. Mr. Powell yesterday explained about a certain witness named Glass, who was an officer in the Park Rapids Lumber Co., and at the time I intended when an opening occurred to ask him if he represented that company, as his language indicated that he did, but it passed out of my mind.

Mr. BURCH. Mr. Powell and myself are such very good friends that I think, he not being here, that I am safe in saying that he does. Now, Mr. Beaulieu represents doubtless, in addition to himself, many persons upon and outside the reservation.

Mr. GRAHAM. Well, you know Mr. Carl stated at the very beginning that he and Mr. Beaulieu, and some others, were a committee or commission representing the Indians, or certain Indians on the reservation, and they agreed to file with the committee some written authority on that point.

Mr. BURCH. Well, of course the Indians themselves will be heard, and I think most of them will deny that when you get to Detroit, Minn., but up to this time I want to confine myself to one line. Mr. Beaulieu will represent himself anyhow, and doubtless many others, whether he was appointed or not, and possibly Mr. Carl may go; but I think in justice to Mr. C. D. O'Brien, who is not here, who represents what we call the up-the-line people—that is, the people along the "Soo" Line, quite independent of Mr. Beaulieu, such men as Mr. Thompson and others of that kind, who will desire to be heard as Mr. O'Brien put it, practically "in a bunch."

Mr. GRAHAM. Mr. Thompson is present this morning. Does Judge Burch's statement accord with your view of it? May we have the pleasure of Mr. C. D. O'Brien as representing yourself and others?

Mr. THOMPSON. The way I understand that matter now, Mr. Chairman, it looks as though this was going to take considerable time: and Mr. O'Brien, who is a very busy man, it is a question whether he could afford to remain here in the presence of the committee during the entire hearing, and I perhaps am individually interested more than anyone upon this side of this controversy, if we might call it that, and I have concluded to remain in the city until you adjourn to Detroit. We will then subpœna some witnesses there. What we have to say might not come within the jurisdiction of this committee. but it will go to the situation as it is up there, from our point of view. and we hope the committee will find a condition of affairs that will require some opinions from them in the way of recommendation. or

help that will restore the conditions upon the White Earth Reservation as to their legal rights.

Mr. GRAHAM. Will Mr. C. D. O'Brien represent you at Detroit?

Mr. THOMPSON. I think not. I think perhaps myself and Mr. Dennis will.

Mr. GRAHAM. Are you an attorney?

Mr. THOMPSON. Yes; I am an attorney of record in this State.

Mr. GRAHAM. Well, the presence of a couple of lawyers will help us develop the facts.

Mr. THOMPSON. For that reason, I have been present this week, so that it would not look too much like an ex parte affair.

(At this time Mr. Powell entered the committee room.)

Mr. GRAHAM (addressing Mr. Powell). Mr. Powell, before you came in, we were attempting to make an alignment of the representation of the different interests affected here, and it has been stated that in addition to the Nichols-Chisolm Lumber Co., you also represent the Park Rapids Lumber Co. and the Wild Rice Lumber Co.?

Mr. POWELL. I represent the Wild Rice Lumber Co. in its litigation upon the White Earth Reservation, but not generally. I am general counsel for the other two companes, but not for the Wild Rice.

Mr. GRAHAM. But with reference to the hearings here, you do represent them?

Mr. POWELL. In reference to these hearings I represent them.

Mr. GEORGE. In reference to this hearing do you represent the Wild Rice as well as the other companies?

Mr. POWELL. I do.

Mr. BURCH. I think those are substantially all the collective parties that there are, there may be individuals who may desire to be heard.

Mr. POWELL. I might say for the record, as long as this question has come up, Mr. Chairman, that I represent several of the landmen—I won't undertake to name them now—in this litigation that has been commenced. I represent probably 75 per cent of those cases.

Mr. BURCH. Equity cases?

Mr. POWELL. Yes, sir.

Mr. GRAHAM. Are we ready to proceed now?

Mr. BURCH. I think I want to call back to the stand the first thing this morning, the Rev. Charles Wright.

Rev. Charles Wright recalled; Miss Margaret Warren acting as interpreter.

Mr. BURCH. I might say to the committee, in series 7, at page 252, the action of Moorhead and Linnen, which we have reached up to now, will be covered in considerable part by the testimony of Prof. Warren K. Moorhead at some Washington session of the sub or the whole committee, except what has been shown by Mr. Linnen now and what may be submitted by the agreement just this moment made between Mr. Powell and ourselves as to the quantity of timber and the geographical division of the diminished reservation as to its timber matters alluded to under this subheading. So that we will, during to-day or to-morrow, submit that part of the matter involved in that subhead. The grievances under page 253, the subheading of

"Grievances of the real Minnesota Indian"; "The expenditure of Chippewa funds," page 256; "The tragedy of 1898," on page 257: "The two-edged fraud, Mille Lac treaty," on page 258, will all be now, although they occupy much space, condensed in the labors of ourselves to-day and to-morrow.

Rev. CHARLES WRIGHT recalled:

Examination of witness by Mr. O'BRIEN:

Mr. O'BRIEN. Miss Warren, will you take this chair, please? [Miss Warren acts as interpreter for Mr. Wright.]

Q. Do you remember, Mr. Wright, when the White Earth Reservation was set aside by the treaty of 1867?—A. Yes; I heard of it. Yes, sir.

Q. Well, all of the matters pertaining to the setting aside of that reservation have been talked over among the Indians from time to time, haven't they?—A. I suppose. Yes; I suppose they did.

Q. Well, you have heard?—A. Yes; I have heard.

Q. You know what the Indian story is of the opening of that reservation, do you not?—A. I heard a story that Chief Hole-in-the-Day——

Q. Who was Hole-in-the-Day?—A. Hole-in-the-Day was chief of the Mississippi Chippewa Indians.

Q. At what time?—A. In 1860; I don't know when he was; he was a chief ever since, as far as I remember.

Q. Was he chief at the time the White Earth Reservation was set aside for the Indians?—A. Yes, sir.

Q. Yes. What was his attitude, or what was his view with reference to what Indians should have that reservation?—A. What you say? The story I heard by the Indians, Hole-in-the-Day, he had decided only four Indians, pure Indians, full-blood Indians should come in on that reservation. No educated mixed bloods were to come in on that reservation.

Q. Why did he make that decision?—A. Well, the story says—I suppose they meant that the educated half-breeds and mixed bloods; they have the scrip.

Q. That is, the scrip given them by the Government?—A. Yes; and the money they got by annuity payments.

Q. That is, they had received all their rights?—A. I suppose he meant that.

Q. And he decided forthwith that the Indians, the real Indians who had not received their rights, should have the White Earth Reservation?—A. Yes, sir.

Q. What then did the mixed bloods do?—A. I heard the mixed bloods, they hired them ignorant Indians, wild Indians, to kill Hole-in-the-Day.

Q. Was Hole-in-the-Day killed?—A. Yes, sir.

Q. Do you know any of the circumstances surrounding the killing?—A. No, sir.

Q. Do you know where he was killed?—A. I heard he was killed at Gull River, some place there.

Q. Is that near Brainerd, do you know?—A. Near—between the old agency and the Crow Wing.

Q. That is in Crow Wing County, Minn.?—A. I suppose so. Yes.

Q. Where were you during the year 1898, Mr. Wright?—A. Where I was?

Q. Yes.—A. I was at White Earth. Well, in 1898?

Q. Yes.—A. Oh, I was at Leech Lake.

Q. Do you remember an incident of the United States troops coming up to White Earth?—A. Yes.

Q. Why did those troops come, do you know?—A. The way I understood, they came to arrest Bug-o-my-ge-shig.

Q. What had Bug-o-my-ge-shig done?—A. He had been arrested before and taken away, and when released he came back; walked home.

Q. Where from?—A. I don't know where he came from.

Q. For what had he been arrested?—A. He had been drunk and had whisky.

Q. By whom was he arrested? Who arrested him?—A. Some of the mixed bloods who were marshals or policemen.

Q. Do you know which mixed-blood marshal arrested and took him away?—A. I think it was Bob Beaulieu.

Q. That is a brother of Mr. Gus H. Beaulieu?—A. Yes.

Q. How did it happen that the Indian who had been arrested by Mr. Beaulieu had to walk home?—A. They didn't give him money to pay his way with.

Q. Do you know whether the money to pay his way home had been paid by the United States to Mr. Beaulieu?—A. I believe that the United States always furnished money for such things.

Q. Were you at Leech Lake in 1898?—A. Yes.

Q. Were you there when the Federal troops came?—A. Yes, sir.

Q. What reason was given for sending for the troops?—A. The marshal had tried to take Bug-o-my-ge-shig away twice and couldn't get him to go. He said that he had suffered so that he would not go back again. And the marshal said that if he refused to go, the Army, soldiers would take him; and Bug-o-my-ge-shig answered that he would not go. And so the troops came.

Q. Were you there when the troops came?—A. Yes, sir.

Q. Did you see them?—A. Yes, sir.

Q. Did you have any talk with any of the men in charge of the troops?—A. I don't recall the name of the inspector who had charge of those matters. He was an old man. I cautioned him not to send the troops there, because there would be a fight and killing done, and he asked me why I said that. I told him that I had been to a council where they were counciling and heard them say that if the troops came we will play with them. And that is why I told him if the troops went there somebody would be killed, and he answered that the Indian would not do that; and I said, well, I am just telling you what I know and if you don't want to follow my advice it is up to you. And so they went.

Q. Then what happened?—A. And there was a fight.

Q. What was the result of that fight?—A. They arrested two Indians, but didn't find the man they were looking for. After the fight I met the man I had talked with and saw that he was wounded and shot through the leg, as I indicate it. He could hardly walk. I asked him if I didn't tell him the truth. He said, "Yes. I didn't

believe the Indians would do anything like this." That is all I know about it.

Q. Who was killed, if anyone, in that fight?—A. Maj. Wilkinson and probably about six soldiers; one Indian who was killed by the soldiers, and this Indian was with them on their side. They didn't do it purposely. He was killed accidentally.

Q. How many persons, if any, were wounded in the fight?—A. (Interpreter.) Eighteen were wounded.

Q. Do you remember the name of the inspector who had charge of the troops up there?—A. No, sir.

Q. Was it Tinker?—A. I dont know, I can't remember.

Mr. O'BRIEN. I think that is all the testimony on those lines that Mr. Wright can give.

Mr. GRAHAM. Any gentleman wish to ask him—Mr. Beaulieu?

Mr. BEAULIEU. Mr. Wright, are you familiar with the treaty of 1867, between the Chippewas and the United States?

A. No, sir; not very well.

Q. Do you know that treaty provides that——A. (Interpreter.) He doesn't know.

Q. Who killed Hole-in-the-Day at the time you speak of? That is, who killed him?—A. It is said that May-dway-ge-wine killed him.

Q. Did you ever hear that Hole-in-the-Day was on the point of leaving for Washington and would have started the next day with Charley Beaulieu if he hadn't been killed?—A. (Interpreter.) I didn't hear he was going to accompany him. I heard that he was going to leave for Washington the next day.

Q. Do you know upon whose report Bug-o-my-ge-shig was arrested?—A. No; I don't know.

Q. Do you know whether Bug-o-my-ge-shig really walked back home, as you state he did, or not?—A. (Interpreter.) While I didn't see him, I understood that he had walked.

Q. Did you ever hear that Gus Beaulieu had purchased a ticket for him from Detroit to Fort—Ten Mile Lake—I have forgotten the name of the station?—A. I never heard that.

Q. Do you know whether the Government usually pays the expenses of a man who is charged with a crime to go home after he——A. (Interpreter.) I don't know about that, but I do think that the United States pays up in any such matters.

Q. Didn't Gus Beaulieu have a warrant returned to the United States attorney's office that had been issued for Bug-o-my-ge-shig? I mean a bench warrant. If you heard?—A. (Interpreter.) I don't know anything about that.

Q. Were Gus Beaulieu and Bob Beaulieu in the Government service at the time of the Bear Island fight?—A. (Interpreter.) I think not.

Q. Do you recall a council that was held in front of the agency office at Leech Lake on September 15, 1898, when Gus Beaulieu advised the agent what to do in order to stop the trouble that would take place?—A. (Interpreter.) I remember the council. I was there, but don't recall that Mr. Beaulieu said anything.

Q. Didn't Gus Beaulieu advise the agent to take down to Washintgon a few of the principal men, where they could lay before the department their grievances?—A. I didn't hear him say that.

Q. Do you know if a Dr. Hart was present or not at that council?—A. (Interpreter.) I don't recall that he was at the council, but know that he was at Leech Lake at the time.

Q. On the night of the last day of the fight at Bear Island did anyone come over there from Walker or not, if you know?—A. Yes.

Q. They went from Walker to Bear Island?—A. I don't remember that.

Q. Do you know whether Father Aloysius and Gus Beaulieu were sent to Bear Island by Commissioner Jones?—A. (Interpreter.) I don't know. I remember seeing Father Aloysius when he arrived there, but don't know whether he came from Bear Island or White Earth or somewhere else.

Q. Did you hear that Bear Island Indians, the Indians who were fighting, would receive no one excepting Father Aloysius and Gus Beaulieu?—A. (Interpreter.) I didn't hear that.

Q. Didn't Father Aloysius and Gus Beaulieu succeed in inducing the Indians to lay down their arms the night after the battle?—A. (Interpreter.) I didn't hear that.

Mr. BEAULIEU. That is all.

Mr. BURCH. Just one or two questions.

Q. Has there not been a claim by the full bloods of the Mississippi Tribe that the intruders and white people were being pushed into the roll of the Minnesota Indians?—A. (Interpreter.) Yes; I have heard that there are people that don't belong on the reservation. Not those that draw annuities in particular.

Q. Didn't the infringement of the intruders—the coming of intruders from Michigan, Wisconsin, and elsewhere—become the source of complaint at an early date?—A. (Interpreter.) That is what I heard.

Q. Do you know that yourself?—A. I don't follow that to find out. I suppose I would if I did.

Q. I don't comprehend your answer.

The INTERPRETER. That is, he does not make it his business to find out if such things exist.

Mr. BURCH. But I want to know if he knows.

A. (Interpreter). I would think there are a lot of people that don't belong on the reservation that are on.

Mr. BURCH. No, no: not that. What I want to know is how many years ago this complaint first came, if you know.

A. It has been a long time; something about 30 or 25 years.

Q. Did they complain also of white men being put on the roll?—A. Yes; that is what is said.

Q. Now, did the murder—or was the murder of Hole-in-the-Day connected with complaints about these intruders?—A. Yes; that is what is said.

Q. Was Hole-in-the-Day just about to start to Washington to complain of the encroachment of these intruders?—A. (Interpreter). He went to Washington to see if they would not fulfill their promises to the Indians—the commissioner's.

Mr. GEORGE. If the Indian Commissioner would fulfill promises to the Indians?

A. (Interpreter.) That was the reason why he was going to Washington.

Mr. BURCH. Who was it that was claimed to have murdered Hole-in-the-Day? What man or Indian or Indians? What two Indians?

A. There is only one mentioned who shot him, by the name of May-dway-we-nine.

Q. Now, at the time, whose pay was he charged to be in? That is, who paid him for murdering Hole-in-the-Day?—A. (Interpreter.) I don't know that he was paid by anyone, but the Indians were led to believe that if anyone killed him they would occupy the same position he did. He was a great chief.

Q. Who, did you hear, led them to believe that?—A. (Interpreter.) There was no one named, but the educated mixed bloods were connected with it.

Q. Who were the leaders of those?—A. (Interpreter.) One of the leaders was always considered as Gus Beaulieu's father, and Paul Beaulieu, who is now dead.

Mr. BURCH (addressing interpreter). Miss Warren, I can not hear you. You turn around so and look down and lower your voice so I can not hear you. Please give me an opportunity.

Q. Would that mean Clement Beaulieu, sr.; that is, Clement Beaulieu, the older?—A. Yes, sir.

Q. Was Paul Beaulieu his son?—A. His brother.

Mr. GEORGE. That is, the senior Beaulieu and his brother?

A. Yes, sir.

Mr. BURCH:

Q. Was there anybody else leaders of the mixed bloods there at that time, as, for instance, Mr. Fairbanks—not Ben Fairbanks, but a relative?—A. (Interpreter.) Robert Fairbanks was considered one of them.

Q. Was Robert Fairbanks Ben Fairbanks's father?—A. (Interpreter.) He was Ben Fairbanks's uncle.

Q. Was this at old Crow Wing?—A. (Interpreter.) Yes; they were at Crow Wing.

Q. What did they do at Crow Wing?—A. (Interpreter.) They had a store. Clement Beaulieu and Robert Fairbanks had a store in connection.

Mr. GEORGE. At Crow Wing?

A. At Crow Wing.

Q. Where was Crow Wing from Detroit or White Earth, Minn.—whereabouts? Have you got a map there? [Committee examines map.]

Mr. BURCH:

Q. About 100 miles southeast of Detroit?—A. Yes.

Q. Was Crow Wing the headquarters of the Mississippi bands, tribes—and a post-trader place before White Earth became central—earlier than White Earth?—A. (Interpreter.) The mixed bloods and white men lived there and the Indians were at the old agency.

Q. Where was the old agency?—A. It was 10 miles away, along the Crow Wing River, northwest.

Mr. GEORGE. That is a small river, isn't it, Crow Wing?

A. (Interpreter.) It is quite a river.

Q. It empties into what?—A. (Interpreter.) Into the Mississippi River.

Mr. BURCH:

Q. Were the Indians frightened by the murder of Hole-in-the-Day from stating their grievances—from complaining of their troubles after that?—A. (Interpreter.) No; I don't know that the Indians had any fear of anyone then.

Q. Did they try again to get their grievances to Washington—their complaints or grievances to Washington—for a number of years?—A. I don't know.

Q. When was Hole-in-the-Day murdered?—A. In 1868.

Q. When was the next time the Indians complained at Washington about these intruders?—A. (Interpreter.) I don't know if any delegation went to Washington about that, but do know that I was one of a delegation, with George Walters, who went to Washington about that. The mixed bloods also say they know of people that are on the rolls that don't belong on the reservation.

Q. When you went to Washington with George Walters was recently—only a year or two ago, wasn't it?—A. In 1908.

Q. Were Fairbanks—Robert—and Beaulieu, Clement Beaulieu, sr., considered leaders of these intruders back at Crow Wing?—A. (Witness answers something in Chippewa language, which was not interpreted.).

Mr. BEAULIEU (addressing interpreter). Will you please answer that?

Mr. GRAHAM. Mr. Beaulieu, what is it?

Mr. BEAULIEU. I would like to have her interpret what he said.

Mr. BURCH. So would I.

Mr. GRAHAM. She will do so.

Mr. BURCH. Nobody said she wasn't going to.

Mr. GRAHAM (addressing interpreter). Margaret, say what he said.

INTERPRETER. I say that I don't know. I aint got that all.

Question was read to the witness again.

I have never heard that before.

Mr. BEAULIEU. Will you permit me to speak?

Mr. GRAHAM. Yes.

Mr. BEAULIEU. His first reply was: "I never heard before that they did not belong upon the reservation."

Mr. GRAHAM. Margaret, do your agree with that interpretation of the former answer?

The INTERPRETER. Yes, sir.

Mr. BURCH. Was this store kept at Crow Wing their own, or was it the American Fur Co.'s store?

A. No: I don't know anything about it.

Q. Did they complain—when did they begin complaining before a delegation went to Washington in 1908 about these intruders?—A. It is a long time; probably 30 years now.

Q. Who complained? State the men.—A. I heard my father at one time say that.

Q. Anybody else?—A. I have heard May-zhuc-e-ge-shig say that, too.

Q. Did they complain about these intruders coming into council and outvoting the pure bloods and original members of the tribe?—

A. Yes; that is what is said, and that is what I know. I consider that the Indian as one and the commissioner as one ought to talk over these affairs.

Q. Well, I will have to give it up. I will waive any further questions.

Mr. GEORGE. I want to ask some questions.

Q. How large was this Pillager band? How many Indians?—A. (Interpreted.) You ask how large was the Pillager band?

Q. Yes; at the time of the outbreak?—A. I have heard there were only four.

Q. Four Indians?—A. Yes, sir; they had no guns.

Q. Where did they get their name "Pillager"?—A. (Interpreted.) There is a little stream, a branch of the Crow Wing, where a storekeeper lived, and he didn't want to trust the Indians with any goods, and they stole from him, and, therefore, they called these Indians Pillagers, and the river Pillage River.

Mr. BURCH. For the benefit of the committee, our researches into the depths of the Congressional Library show that about 200 years ago, or thereabouts, a French trader's store was looted by this band and they gave them the name of "Pillagers."

Mr. GEORGE. Yes. Nothing appears here to explain that.

Mr. BURCH. We get more from historical books than we are able to extract at this late date from inquiry, and that is the result of our research.

Mr. GEORGE. They apply to the Chippewa Tribe

Mr. BURCH. The Chippewa Tribe. It is a band called the Chippewa Tribe, and the stream took its name from that incident, and this band took this name from that tribe.

Mr. GEORGE. That is all, unless Mr. Beaulieu wants to ask some questions.

Mr. BEAULIEU:

Q. Does the Government recognize any difference between the Chippewa; that is, the full bloods and the mixed bloods?—A. Yes.

Q. What difference does it make in its dealings with them?—A. The mixed blood is a child of the full blood.

Q. No. Does the Government in its treatment of the Indians recognize any difference between the two classes?—A. The Government have used the Indian as I have already stated. The Indian should start first about anything in its business before the mixed blood, and if the Indian wish to remove anyone where he lives he can do so. That is the way the Indian understands it.

Q. Do the mixed bloods not get their rights through their parents?—A. In the annuities the mixed bloods get the same as the full blood, but I am talking about the business of the Indian.

Mr. GEORGE. What does he mean by the business of the Indian?

A. If there is anything to be done about the Indian matters the Indian ought to present it to the commissioner, but if he requires anything in the educational line he ought to then ask the mixed blood to write a letter for him or do anything else that is required. That is what I mean.

Mr. GEORGE. Then, in relation to the Chippewa lands, the full bloods should talk to the Government and should talk first—should talk directly.

Q. When we made the treaty in 1889, you know about that, who were the first ones to sign?—A. My father was the first one to sign and at the end the mixed bloods. That is how the business stands. The Indian should always start it first, but as I know it and see it to-day, the mixed bloods want to override us, and it is not right that the child should override the parent. That is what I say.

Q. Should there be any distinction made, then, among the mixed bloods? That is, should one mixed blood have any more rights than any other?—A. If they are both mixed bloods they are considered children of the Indian.

Q. All of them?—A. All of them.

Q. Is that the way that the Indian should look upon you?—A. I didn't make this up; this is how I understand it. That is, this is the way it has always been looked upon.

Q. Are you not a mixed blood?—A. I probably am a little bit mixed, but I have been brought up in the Indian way. I have lived in a wigwam and was brought up in one.

Q. Is that the reason you should have preference over the other mixed bloods?—A. I am talking about the Indian, and the Indian is considered the leader.

Mr. GEORGE. He means that he is talking about the full blood, and the full blood is the leader.

A. Yes.

Q. What were the relations between Clement Beaulieu and Hole-in-the-Day? Were they friendly or not?—A. I don't know.

Q. Did you not hear that they were very close friends?—A. I did not hear that.

Q. Did you not hear that Clement Beaulieu tried to have the murderers of Hole-in-the-Day arrested?—A. No; I did not hear that.

Q. Did you not hear that it was through the friends of Clement Beaulieu that troops went to Leech Lake to arrest the murderers of Hole-in-the-Day?—A. Was this when Hole-in-the-Day was killed?

Q. Yes.—A. No; I didn't hear that.

Q. Did you not know that the troops did go to Leech Lake to arrest the murderers of Hole-in-the-Day?—A. No; I did not know that.

Q. Was not Hole-in-the-Day's Band composed principally of mixed bloods?—A. I don't know that.

Q. Were not a large portion of Hole-in-the-Day's Band afterwards transferred to your father's band—White Cloud's Band?—A. I don't know about that.

Q. Were there not a large number of mixed bloods in your father's band?—A. I don't know that.

Q. Do you know anything about conditions regarding the Chippewas prior to 1854?—A. I was four years old then, so I didn't know anything about it.

Q. Do you know that the Lake Superior and Mississippi Chippewas were one band at that time.

Mr. GRAHAM. What was the first one you named?

Mr. BEAULIEU. Lake Superior and Chippewas.

A. That is what I hear.

Q. Do you know that in 1854 there was a treaty made between the United States and Chippewa Bands that I have named, which caused

a separation between the Lake Superior and Mississippi Chippewas?—A. Yes; I have heard that.

Q. And were not a great many mixed bloods with those bands at that time?—A. I don't know.

Q. Didn't a great many mixed bloods remove from Lake Superior with the Mississippi Bands when they moved over to the Mississippi country?—A. I don't know that.

Q. Who were the intruders that you refer to?

The INTERPRETER. I can not convey that.

Mr. Beaulieu asks witness the question.

A. About four years ago I was shown a paper at St. Paul, and the paper contained—it stated that the mixed bloods had been given lands and money and in lieu of their annuity payments, and that was the first I had ever seen or heard of anything like that; and maybe that is where that arises from and maybe that is why they say that there are so many on the reservation that don't belong there; and if they trace it to that source then it is right, and if that was done it is right.

Q. Now, do you know that to be a fact?—A. I have heard this. I don't know if the lands were taken or if the money was taken, but I have heard it was.

Q. Well, who mentioned a treaty? I suppose he means the treaty of 1854.

The INTERPRETER. Maybe that is what it is.

Q. Under that treaty the members of families of mixed bloods were to get 80 acres of land each, were they not?—A. Yes, I suppose so.

Q. And it didn't say, though, that that was in lieu of payments or anything, did it?—A. I understood that that had been done; that the dealings with them had been over.

Q. The treaty, of course, explains for itself.

Mr. GEORGE. I didn't catch that. Done with whom?

Mr. BURCH. May I explain to you, so you will understand his answers?

Mr. GEORGE. Yes.

Mr. BURCH. Among the troubles is a matter called the Chippewa scrip, and Mr. Beaulieu will doubtless bear me out in this. By the terms of this treaty and other arrangements, it was provided that persons might take allotments in severalty, or certificates therefor, for 80 acres of land, who were the heads of families; at the same time relinquishing all claims on the Government to future participation in the annuity.

Mr. BEAULIEU. Excuse me. The treaty does not say that.

Mr. BURCH. No; not the treaty; but the act—the Chippewa scrip.

Mr. BEAULIEU. Well, I never heard of that treaty.

Mr. BURCH. You haven't seen the book called the Chippewa scrip, whereby they relinquish—there were two treaties; at least two acts. One was by reason of a treaty between the Red Lake and Pembina Bands of Chippewa Indians at Old—at the Old Red Lake. That treaty was in 1862 or 1863 or 1864, whichever it was. Anyhow, that provided for a return of the Indians to civilization. That is, a graduation, you might say, a change whereby heads of families might take scrip locatable anywhere in the country.

Mr. GEORGE. Mixed bloods as well as full bloods?

Mr. BURCH. Oh, yes; of course. Being heads of families, could take this scrip and thereby renounce all claims upon annuities from the Government—that is, participation. Then, there was another earlier treaty.

Mr. BEAULIEU. That is the only treaty we have to deal with. We haven't anything to do with the Red Lake treaty.

Mr. BURCH. Well, there was an earlier treaty by which the same thing practically could be accomplished by the heads of mixed-blood families, and this book, as I understand it, contains the names of the forefathers of this generation of the Fairbanks and Beaulieus, etc., who actually called for and obtained this scrip, and thus renounced all claim for annuities. However, we are getting along rather slowly. Of course, we are partly responsible for that, and I rather deplore its coming in here, because it will be brought up in another branch of this Chippewa matter which is now on.

Mr. GEORGE. It came in incidentally, and it is necessary that we understand it.

Mr. BURCH. That is as near as I can explain it. Perhaps Mr. Powell can explain it.

Mr. GRAHAM. We will have to be patient now. Go on.

Mr. BEAULIEU. Was a committee appointed when the agreement of 1889 was signed? By the Indians, I mean.

The INTERPRETER. For what?

Mr. BEAULIEU. To designate who belonged on the reservation—who were entitled to enrollment and who were not.

A. I didn't hear anything about that.

Q. Were you at the signing of the agreement at White Earth in 1889?—A. I don't know anything about that.

Q. Did you not hear that there was a committee—that there had been a committee appointed to object to anybody who had no rights upon the rolls at that time?—A. No; I didn't hear that.

Mr. BEAULIEU. That is all.

Mr. BURCH. Now, that is all, Mr. Wright.

Now Mr. O'Brien will proceed with these other things.

Mr. O'BRIEN. Mr. Chairman, I have here a book entitled "Correspondence Relating to Timber on the Chippewa Indian Reservations." It contains Senate Executive Document No. 70 of the Fifty-fifth Congress, third session, in which are several reports of Indian——

Mr. GEORGE. What year is that, please?

Mr. O'BRIEN. 1899. It contains several reports pertaining to the affairs of the Indians and their difficulties with the mixed bloods and the massacre and tragedy, as we have denominated it, in 1898; and in view of the fact that we are trying to shorten time, I think it might be well to merely offer these reports in evidence, instead of taking time to read them, and refer to the pages where they are found in this particular publication.

Mr. GEORGE. And not attempt to incorporate that in the report?

Mr. O'BRIEN. We will incorporate them in the report.

Mr. GRAHAM. Will you let me look at that book?

Mr. BURCH. It may be a little tedious now, but it is only fair to all parties that it should be orally called out; that is, by reading.

Mr. GEORGE. Is there much of it?

Mr. BURCH. Yes; there is a good deal of it; that is the trouble.

Mr. GRAHAM. Is it your purpose to read into the record all of each report?

Mr. O'BRIEN. There are certain exhibits; for example, there is one. Exhibit G, the first one, that is the report of the Commission of Indian Affairs, containing a report of special agents of the Land Department who have made investigation of the White Earth Reservation.

Mr. GEORGE. Respecting the troubles at that time on the White Earth Reservation?

Mr. O'BRIEN. Yes; showing that these troubles date back 40 years prior to 1889.

Mr. BEAULIEU. Well, nothing in that book regarding the Red Lake and Pembinas would apply to this, would it?

Mr. O'BRIEN. I don't know that there is anything that applies to the Indians of the White Earth Reservation, except it deals with the man that estimated the pine. The report of J. George Wright is in there, that is why I wanted it to go in. There is the report of Park & Swartz, J. George Wright, and the report of Jenkins.

Mr. BURCH. I think it ought to be read at this time.

Mr. GRAHAM. This report of Mr. Swartz's, marked "Exhibit G," seems to refer more to Cass Lake.

Mr. O'BRIEN. Well, it takes in all those——

Mr. GRAHAM. At this particular place? Does it cover White Earth?

Mr. O'BRIEN. Yes; and the Cass Lake affairs are involved in the White Earth affairs in this way: That the Chippewa Indians of Minnesota were entitled to the proceeds of the sale of the pine lands and agricultural lands at Cass Lake, and in all of the other ceded reservations the proceeds of pine lands and agricultural lands became the tribal fund. Anyhow, White Earth Indians participated.

Mr. GRAHAM. Can you indicate with a little more particularity how much of this you propose to offer? This is a volume of more than 250 pages. Do you want all of Exhibit G, page 30?

Mr. O'BRIEN. Yes; all of Exhibit G.

Mr. GRAHAM. Then the next mark is at page 52. What do you want there?

Mr. O'BRIEN. Winnebigoshish Reservation.

Mr. GRAHAM. The second exhibit is a report of James E. Jenkins, special agent, which runs from page 84 to 88. The third exhibit is the report of J. George Wright, which runs from page 104 to 112 and has a great many exhibits attached to it, which I thought the committee would be the best judge of whether it should go in or not. How are you going to furnish us copy for the printer?

Mr. O'BRIEN. Well, we can have them typewritten, or can leave the book here, if you wish.

Mr. BURCH. Can't we copy it just as usual? Typewrite it out?

Mr. GRAHAM. I don't know of any other way.

Mr. GEORGE. Couldn't we have a summary by Mr. O'Brien of each of these reports, if it would appear to take too much time to read them in detail, and then introduce the matter for printing besides?

Mr. BURCH. An oral synopsis?

Mr. GEORGE. Yes.

Mr. GRAHAM. If you want to read it, would it be objectionable to postpone it to an evening session? Well, take your own course.

Mr. BEAULIEU. May I ask if they are going to insert in this report Commissioner Browning's recommendation? Will it be included?

Mr. O'BRIEN. In cutting this thing down, the only thing I propose to introduce are the three reports referred to, but if Mr. Browning's reports are in there, or any other official documents are there——

Mr. GRAHAM. Let Mr. Beaulieu see it. If you don't put those in, he can, if he desires to.

Mr. O'Brien hands book to Mr. Beaulieu.

Mr. O'BRIEN. Is that report in there?

Mr. BEAULIEU. Yes, sir.

Mr. GRAHAM. What conclusion have you reached?

Mr. O'BRIEN. Well, after consultation with Judge Burch, we have decided to make this suggestion: I will go over these reports carefully this evening and be prepared in the morning to give an oral synopsis of them and offer the reports in the record and save time in that way.

Mr. BURCH. You mean offer typewriten excerpts from them, so that they can go in that form?

Mr. O'BRIEN. Yes.

Mr. BURCH. My idea is to take out what we want in typewriting what is germane to this matter—these printed reports, these bound reports—so it can go in as the chairman suggests, for the purpose of the press and the personal information of the committee or attorneys; at least make an oral synopsis of that, so that a connected story can be made.

Mr. GRAHAM. It aids us greatly to keep the thread of your story.

Mr. BURCH. Yes; Mr. O'Brien can, after refreshing his mind tonight, make an oral synopsis so that we all can judge of the importance of it, and then we can put it in typewriting, so that the printer can print it so as to save time.

Mr. GRAHAM. That would prevent holding a night session?

Mr. BURCH. Yes.

Mr. BEAULIEU. I would like to have Commissioner Browning's report included, pages 101 to 104.

Mr. GRAHAM. Now, if you give us the synopsis of the Browning report also, when you are doing it I would like to have the record show that it is done at the suggestion of Mr. Beaulieu, so that the record will show the facts.

Mr. O'BRIEN. Now, Mr. Chairman, we will take up——

Mr. GEORGE. Now or after luncheon?

Mr. GRAHAM. We have a quarter of an hour yet.

Mr. O'BRIEN. On page 258 of No. 7 of the White Earth hearings reference is made to the "two-edged fraud"—the Mille Lac case—and we will start on that now and get as far as we can before the noon recess. The reason for that expression, a "two-edged fraud" is this: Our contention is that the fraud was perpetrated on the one side on Congress in obtaining this $40,000, and the other edge of the fraud was in taking it away from the Indians after Congress had appropriated it for the Indians. I have here a report from the Chippewa Indian commissioner dated Department of the Interior, United States Indian Service, United States Chippewa Commission, White

Earth, Minn., October 7, 1897, and I wish to read from this report into the record certain data which will connect up the story.

Mr. GRAHAM. Might we look at this report just a moment? Mr. Beaulieu, are you familiar with this report which Mr. O'Brien describes?

Mr. BEAULIEU. I don't know that I am, but you can go on.

Mr. GRAHAM. Do you care to look at it before he reads it?

Mr. BEAULIEU. No, sir; I don't.

Mr. GRAHAM. You may proceed.

Mr. O'Brien reads as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UNITED STATES CHIPPEWA COMMISSION,
White Earth, Minn., October 7, 1897.

Hon. W. A. JONES,
Commissioner of Indian Affairs, Washington, D. C.

SIR: The following copy of a letter from the Acting Secretary, as well as a copy of the notice by Gus H. Beaulieu therein referred to, will explain this correspondence, which I have thought not improper to answer through your office:

WASHINGTON, D. C., *August 28, 1897.*

Hon. D. S. HALL,
Chippewa Commissioner, Detroit, Minn.

SIR: I transmit herewith a communication of July 15 last, from the Commissioner of Indian Affairs, relative to the status of the Mille Lac lands, and also a letter dated the 26th instant from the Mille Lac delegation, now in this city, requesting that the land available on the reservation for allotments be allotted to them, with other correspondence relating thereto.

The delegation asks that you attend a council which will be called for the purpose of discussing this and other matters, and I have to request that you proceed to the Mille Lac Reservation on being notified by Mr. Gus H. Beaulieu when said council will be held.

You will please furnish the department with the proceedings of the council, and report what action, in your opinion, should be taken thereon for the best interests of the Mille Lac band.

The papers, herewith inclosed, to be returned with your report.

Very respectfully,

THOS. RYAN, *Acting Secretary.*

ST. PAUL, MINN., *September 9, 1897.*

Hon. D. S. HALL, *Chippewa Commissioner.*

DEAR SIR: It has been decided by the Mille Lac chiefs to hold a council upon the Mille Lac Reservation on the 23d of this month for the purpose of discussing the manner in which they desire their allotments to be made, and in compliance with their wishes, you are respectfully requested to be present at the council upon the date referred to.

Yours, truly,

GUS H. BEAULIEU.

As requested in said letter, I proceeded to the Mille Lac Reservation, arriving there on the 23d. Gus H. Beaulieu, attorney for the Mille Lac band, had preceeded me with two newspaper reporters. The Indians were assembled, councilling among themselves and with their attorney, and not ready for the council with the commission that day. The next day, the 24th, at 10 a. m., about 100 Indians and a quite a number of white settlers were gathered in the timber on the shores of Mille Lac Lake. Head Chief Wa-we-acumig, who recently visited Washington, opened the council. He prefaced his remarks by some reference to his Washington trip. His talk was short. He wanted the available lands, which he understood was 4,800 acres, allotted to the heads of families; after that they would consider the allotment of land to women and children.

May-quon-me-wan-e-quay, the next speaker, made no reference to land or allotments, but gave quite a long history of the Mille Lac band and their

loyalty to the whites. Go-gee, the next speaker, was one of those who recently visited Washington, he said the Indians wanted a strip of land along the lake; did not want it scattered back away from the lake shore. I asked them if they knew where the 4,833 acres of land they desired allotted to them were located. Their answer was that they did not know. I also asked if any of them would take their allotments on any of the 4,833 acres thought to be available, offering at the same time to show them plats of the townships.

I asked what they intended to do regarding allotments for their women and children. After consulting with their attorney, Gus H. Beaulieu, he submitted the following, in writing, as their ultimatum:

"We ask in reply to the suggestion of the Secretary of the Interior regarding the 4,800 acres of land which he said would be allotted to us, that the allotments of said land be made to the heads of the families. After we have received the allotments of land in question, we will consider the question of taking up lands for our children and women upon the White Earth Reservation."

With this their council broke up, their attorney, with the newspaper reporters, returned to their homes in St. Paul.

As your letter, "Land, 9304," of July 16 last, to the honorable Secretary of the Interior, referred especially to the disposition of the residue of the lands on Mille Lacs Reservation, and as the letter to the honorable Secretary, dated August 6 last, from Mille Lacs delegation, then in the city of Washington, then asking, in the event that it is decided to allot the land to them supposed to be available, and that such allotments be made pro rata to the heads of families; also that they desired to secure allotments of land for their minors and to visit White Earth, supposedly for that purpose, was the cause of the honorable Secretary's letter to me, dated August 27, 1897, requesting me to proceed to Mille Lacs to meet the Indians in council, and as these Indians refused to discuss any subject other than the immediate allotment of the 4,833 acres of land supposed to be available, I thought best to remain a few days after the council, and did so remain until the 28th. I personally examined and secured reliable information regarding the character of the 4,833 acres of land on the Mille Lacs Reservation, which the Commissioner of the General Land Office says, in his letter of May 2, 1896, were then free from pending entries, filings, or selections, 322 of which are in sections 16 and 36, claimed, and some of it already sold by the State as school lands, the immediate allotment of which is demanded, as before stated. A cursory examination of the 4,833 acres of land above referred to shows the character of each tract about as follows:

Description.	Remarks.
Township 42, range 25.	
Sec. 1, lot 1	Soil, clay and loam. Timber, poplar and balsam. Greater part swamp. Settled upon by Frank Dewey, who has improvements upon this tract.
Sec. 1, lot 4	Soil, clay and loam. Timber, none, but poplar brush.
Sec. 1, SE. ¼ NE. ¼	Same as lot No. 1. Mostly all swamp.
Sec. 15, E. ½ NW. ¼	Settled upon by J. M. Bohler, who lives on sec. 10 and who has made application for this tract. About 60 acres in tamarack swamp.
Sec. 15, W. ½ NE. ¼	All swamp except a small island of land, upon which John Sjolund has a house and improvements.
Sec. 15, S. ½ SE. ¼	30 acres of land; 50 acres swamp. A settler named Mattocks has a house and barn on this tract.
Sec. 15, SE. ¼ SW. ¼	All swamp but about 5 acres.
Sec. 16, NW. ¼	Timber, principally hardwood. Fair farm land.
Sec. 16, NE. ¼	About 80 acres farm land; balance is swamp.
Sec. 16, SW. ¼	All swamp.
Sec. 16, SE. ¼	Do.
Sec. 18, lot 1	Settled upon by Mr. Dale, who has a house and improvements. This tract is mostly meadow.
Sec. 27, SE. ¼ SW. ¼	All swamp.
Sec. 29, NE. ¼ NE. ¼	Do.
Sec. 29, SW. ¼ SE. ¼	Most all swamp.
Sec. 29, SW. ¼	Ridges of hardwood and ash swales. Generally level and low land and broken up by small pools.
Sec. 30, lot 1	Soil, clay and loam: is a swamp with the exception of about 15 acres. Settled upon by Mickleson, who has a house and other improvements.
Sec. 33, SW. ¼ SE. ¼	All swamp.
Sec. 36	Lowlands of black ash, with ridges hardwood. All the pine has been cut off. This section more adapted for pasturage.

Description.	Remarks.
Township 42, range 26.	
Sec. 16, lots 1, 2, 3, 4, 5	Soil good. Well timbered by hardwood.
Sec. 18, SW. ¼ SE. ¼	Surface very broken. Soil fair. About 400,000 feet of white pine on this tract. Gus Bergh has good, substantial buildings, and 4 acres under cultivation on this tract.
Sec. 25, SE. ¼ SE. ¼	A spruce swamp.
Sec. 30, lot 1	About 2 acres of land. The balance is a swamp which can be made into a good meadow. A settler has built a house here for the purpose of reclaiming or improving the land.
Sec. 32, SE. ¼ SE. ¼	All swamp.
Sec. 34, SE. ¼ SE. ¼	Surface broken by small spruce swamps. Soil poor and rocky. Some pine on the tract.
Sec. 36	A level or flat section, about one-fourth being swamp. Very rocky. About 7,000,000 feet of white pine was cut off this section. Covered with stumps.
Township 42, range 27.	
Sec. 6, S. ½ NE. ¼	Timber, scattering Norway and small poplar, with spruce swamps. Soil poor and rocky. A settler named Marsh is located on this land.
Sec. 6, SE. ¼	Same as S. ½ NE. ¼ as to soil and timber, but containing more pine. Surface of the land is considerably broken. A settler named Bradford has squatted on the land, which contains about 400,000 feet of pine.
Sec. 6, SE. ¼ SW. ¼	A fair 40-acre tract. Some pine.
Sec. 8, SE. ¼ NE. ¼	Timber, small poplar. Soil poor. Very little pine.
Sec. 8, NE. ¼ SE. ¼ and SW. ¼ SE. ¼.	Same as above in sec. 8. Soil poor and very little pine timber.
Sec. 8, lots 5, 6	Swamp land.
Sec. 10, SW. ¼ SW. ¼	East half of this tract is poor land and rocky. The west half is a spruce and tamarack and bog swamp.
Sec. 16, NE. ¼	More than one-half is swamp.
Sec. 16, SE. ¼	All swamp, with wire grass.
Sec. 16, SW. ¼	Pine timber all cut off, leaving the land full of stumps and rocky. Remaining timber is spruce and tamarack. Soil very poor.
Sec. 16, NW. ¼	Pine is cut off. Balance of the timber is small poplar. Land better than balance of the section, not being so rocky.
Sec. 24, SE. ¼ NE. ¼	All swamp, with the exception of a poplar knoll of 3 acres. A settler named McFadden built a house on this tract in 1897, intending to convert it into a hay meadow.
Sec. 24, lot 3	A narrow ridge of land from 3 to 5 rods wide runs through the tract. The balance is a swamp which can be made into a meadow.
Sec. 26, lot 3	A spruce bog.
Sec. 26, N. ½ SW. ¼	All bog.
Sec. 28, NW. ¼ SE. ¼	Three-fourths swamp. The balance is very rocky and poor land.
Sec. 34, NW. ¼ NE. ¼	About 100,000 feet of white pine on this tract, which but about 5 acres is a burnt tamarack swamp. Would make a good meadow.
Sec. 36, lots 4, 5	Pine cut off. Soil poor and rocky. Remaining timber is spruce and tamarack. No hay.
Sec. 36, lot 1	All swamp except the sea wall near the lake; balance of the lot would make a good meadow.
Sec. 36, lot 2	Surface very broken and rocky and cut up by small swamps. Soil poor.
Sec. 36, lot 3	A wire-grass bog, with exception of 3 or 4 acres.
Sec. 36, S. ½ SE. ¼	Two-thirds is a spruce swamp. Balance of the land is composed of ridges of small poplar trees and pine stumps.
Sec. 36, SW. ¼	Spruce and tamarack swamps and ridges of small poplar. Land is rough and rocky. About 6 or 7 acres of fair land in the SE. ¼ SW. ¼. The swamps in this quarter are small. Land is covered with bowlders.
Township 43, range 27.	
Sec. 32, SE. ¼ NE. ¼	Burnt windfall. Scattering Norway pine. Gravelly soil and rocky.

From the foregoing it appears that only a small part of this land, 89.62 acres, is situated on the lake shore, and only a very small portion of this 4,800 acres is such as an Indian or anyone else could make a farm of; hence the "great contention for the allotments" referred to by Commissioner Browning in his letter "Land," of May 12, 1896, need not be feared. The Mille Lac Indians want land along the shore of that lake. To place them on any land back away from the lake would be distasteful to them and more difficult than to move them to White Earth.

The land along the lake shore upon which they have their scattering huts and bark wigwams is very nearly all patented, and might be said to be segregated from and form no part of the Mille Lac Reservation. In fact, from the letter to the honorable Secretary of the Interior from the General Land Office dated May 2, 1896, there appeared to exist a very emaciated, if any, Mille Lac

Reservation. Originally containing 61,059.13 acres, more than 51,000 acres of it has passed from the Indians, the Government, and practically from the reservation, to private individuals, leaving, as the letter states, only 4,833.73 acres free from pending entries, etc., 3,022.32 acres of which is in sections 16 and 36, the State of Minnesota will fight for as school land, having sold a good part of it. The question suggested, Is there a Mille Lac Reservation, so that these Mille Lac Indians may take their allotments on the reservation where they live, as provided in the act of January 14, 1889? Do they live on a reservation or some individual's patented land?

The legal status of this reservation you are doubtless familiar with, though it may not be improper for me to give my understanding of it. The treaty of February 22, 1855, with the Mississippi Chippewas, provides for this Mille Lac Reservation. The treaty with the same Indians proclaimed March 19, 1863, in the first article cedes to the United States this Mille Lac Reservation along with Gull Lake, Sandy Lake, Rabbit Lake, Pokagoma Lake, and Rice Lake Reservations, but provides in article 12 for the Mille Lacs, different from the others referred to in the first article, in that they, the Mille Lac Band, should retain the right of possession so long as they did not "molest the persons or property of the whites."

The treaty with these same Indians, proclaimed March 20, 1865, which is much the same and in lieu of the treaty made by the same tribe approved March 11, 1863, again provides for the possessory rights of the Mille Lac Band.

The treaty with the Chippewas of the Mississippi, entered into by Chiefs Shoh-bosh-kung, Ka-gway-dosh, and Me-no-ge-shig on the part of the Mille Lac Band, proclaimed April 18, 1867, sells to the United States a part of the land secured to them by the second article of the treaty of March 20, 1865, the Mille Lac with other reservations having been ceded to the United States by the first article of the same 1865 treaty, though the first article of the treaty of 1865 is not referred to in the treaty of 1867, no right to the Mille Lac Band to remain on their former reservation during good behavior is mentioned. The greater portion of this Mille Lac Reservation having been disposed of as other public lands, it would seem as though some one in authority considered that the treaty of 1867 disposed of the Indian title to this former Mille Lac Reservation, and that it was treated as public domain.

July 4, 1884, Congress passed an act providing that these lands "shall not be patented or disposed of in any manner until further legislation by Congress." Under the act of January 14, 1889, the different bands of Chippewa Indians in the State of Minnesota entered into an agreement for the complete cession and relinquishment, in writing, to all their title and interest to certain lands in that State. The agreement presented to the Mille Lac Band for their signatures, and which they signed and which was duly approved by the President, differs from the agreement presented to all other bands of Chippewas, in that it sets forth that they "do also hereby forever relinquish to the United States the right of occupancy on the Mille Lac Reservation reserved to us by the twelfth article of the treaty of May 7, 1864 (13 Stat., p. 693)."

These Indians were told by the commission negotiating the agreement with them that they could take their allotments on land on this Mille Lac Reservation; so also the same commission promised the Indians 160 acres of land each for allotments at White Earth, where they signed the agreement with that understanding (pp. 168 and 104, Ex. Doc. No. 247, 1st sess. 51st Cong.). This is unfortunate, but conditions that now exist must be met. If the act of January 14, 1889, is the further legislation required by the act of July 4, 1884, it would seem that the remaining land in the territory referred to must be disposed of, if at all, under the provisions of this act of 1889. There are also 1,849 acres embraced in rejected homestead applications.

This entire reservation as originally established, lake, shore, and all, is heavy timber. Is it desirable to allot this remnant to these Indians? Will it brighten their prospects or hold out hopes for their future civilization, and that of their children and their grandchildren?

These Indians have for years hand an attorney, not always the same one, but always the same advice, to stick to the Mille Lac Reservation. They are buoyed up with the information that they have a monster claim against the Government for 400,000,000 feet of pine, and other damages. Their attorneys have never encouraged their removal to White Earth. It was thought the payment of their delayed annuities would mollify them, and that the removal would be easier; but it was the reverse. Their payment came in June last, since which time, they have done nothing but eat it up, and their greatest anxiety, when I

was there, was to know when the next payment would be made. These people have been fooled and deceived so much in the past, that they are bewildered and know not which way to turn. It was thought by the commission which negotiated the agreement, that the liberal inducements offered would make it easier to get the entire band to White Earth. Many of the most stubborn did not move to White Earth and still remain there. No effort has been made, for some time, to remove or induce any of this band to visit White Earth. Good farming land has been reserved on White Earth Reservation for them. I believe an effort should still be made to induce them to come to White Earth. I see no hope for them where they are. These Mille Lac Indians are entitled to much consideration for their early loyalty to the whites. While their general health is fairly good, the services of a physician is sadly needed among them. I found Ain-dus-oke-shig, one of the chiefs who recently visited Washington, dangerously sick in his bark wigwam. I employed a physician to attend him and relieved such others, from my private purse, as I could afford. I believe a physician should be sent among them, or the local physician employed for a time at least.

In view of the counsel and advice given to these Indians by their various attorneys, it is difficult to obtain their entire confidence. Without church, school, agent, farmer, doctor or anyone to look after, or in any way interested in their advancement, they present a case hardly parallel in the Indian service. They have visited Washington and were well pleased with their reception there by those in authority.

If the Commissioner of Indian Affairs should visit Minnesota and could find time to meet and tell these Indians just what, in his opinion, is best for them, it would have great weight.

I can see no future for these Indians, but eventually move to the White Earth Reservation. If, however, the department is of the opinion that the $4,833.73 before referred to is available for allotment to these Indians, and that it is desirable to allot the same to heads of families as requested by their attorney in council, the Chippewa Commission will do so promptly upon receiving descriptions of land to be so allotted, and authority to act.

Very respectfully,

D. S. HALL,
United States Chippewa Commissioner.

The following indorsements appear promiscuously on the back of this document:

42257. Office of Indian Affairs, 1897. 17497. 20760. .96. 9304/97. D. S. Hall, Chippewa Commission White Earth A., Oct. 7/97. Reports in regard to allotments to Mille Lac Inds. 10 enc. Over. Case No. 58. 37-76 MCP.

7475. 8822. 1898. White Earth, Minn., October 7, 1897. Darwin S. Hall, Comr. & Spec. Disb. Agent, relative to Mille Lac Indian matters R. F. 7.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 14, 1897.

Respectfully transmitted to the honorable Secretary of the Interior, the report being in response to department letter of August 28, 1897.

A. C. TOUNER,
Acting Commissioner.

E. E. W.

DEPARTMENT OF THE INTERIOR,
October 16, 1897.

Respectfully referred to the honorable Assistant Attorney General for the Department of the Interior, for an opinion as to the legal status of the vacant lands embraced in what is commonly known as the Mille Lac Indian Reservation.

TH. R. RYAN,
Acting Secretary.

Papers returned to Ind. Div. Dec. 11/97.
To I. O. with letter Feb. 19, '98.

Mr. GRAHAM. How do you propose to get this into the record?

Mr. BEAULIEU. I would like to ask what the object of this letter is now, if he is only going to put in a part of the Mille Lac letter, or is he going to put in everything, including the decision of the Court of Claims?

Mr. O'BRIEN. I am going to read from the Court of Claims decision now.

Mr. BEAULIEU. It will make a pretty big record.

Mr. GRAHAM. Yes, indeed. Yes, indeed.

Mr. O'BRIEN. I now wish to introduce in the same manner, an act of Congress dated May 27, 1902:

For payment to the Indians occupying the Mille Lac Indian Reservation, in the State of Minnesota, the sum of $40,000, or so much thereof as may be necessary, to pay said Indians for improvements made by them, or any of them, upon lands occupied by them on said Mille Lac Indian Reservation, said payment to be made upon investigation, examination, and appraisement by the Secretary of the Interior, upon condition of said Indians removing from said Mille Lac Reservation: *Provided*, That any Indian who has leased or purchased any Government subdivision of land within said Mille Lac Reservation from or through a person having title to said land from the Government of the United States shall not be required to move from said reservation, but shall be entitled to the benefits of said appropriation to all intents and purposes as though they had removed from said reservation: *And provided further*, That this appropriation shall be paid only after said Indians shall, by proper council proceedings, have accepted the provisions hereof and declared the manner in which they wish the money disbursed; and said Indians upon removing from said Mille Lac Reservation shall be permitted to take up their residence and obtain allotments in severalty either on the White Earth Reservation or on any of the ceded Indian reservations in the State of Minnesota on which allotments are made to Indians.

Noon recess.

AFTERNOON SESSION.

Mr. O'BRIEN. Mr. Chairman, before the committee concluded this morning's session I read the act of Congress which provided for the appropriation of so much of $40,000 as might be necessary to pay the Mille Lac Indians for the improvements they had made upon the Mille Lac Reservation. Of course, as the committee can readily understand, it would be necessary to appraise these improvements to determine how much of that $40,000 should be appropriated for the benefit of the Indians. I have in my hand part of the record in the case in the Court of Claims of the United States. This case is No. 30447, and is entitled "The Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* The United States." I wish to read into the record portions of the testimony taken in that case in order to show the committee how these improvements were appraised and who did the appraising of them. I wish to read first from the testimony of David H. Robbins, beginning on page 55 of the record of the case to which I have referred, including questions numbered 51 to 79, inclusive.

The CHAIRMAN. Whose testimony is this?

Mr. O'BRIEN. David H. Robbins.

The CHAIRMAN. Can you tell us some more about him?

Mr. O'BRIEN. I can read from the record the questions and answers wherein he identifies himself. I will now turn to page 51 of the same record. I will state for the benefit of the committee that Mr.

Anderson is the attorney for the Department of Justice who defended this case in the Court of Claims:

Examined by Mr. ANDERSON:

1. Question. What is your name?
Answer. David H. Robbins.
2. Question. What is your age?
Answer. Sixty-four.
3. Question. What is your occupation?
Answer. Just at present I have a real estate business and I am a merchant.
4. Question. Where is your residence?
Answer. At Vineland, Mille Lac County, Minn.
5. Question. Are you interested, directly or indirectly, in the subject matter of this claim?
Answer. Not as I know of.
6. Question. You are not related to the claimants?
Answer. Not in any way that I know of.
7. Question. Mr. Robbins, when did you first come to this country?
Answer. Well, I first came up here to stay in 1882.
8. Question. You had been up here before, had you not?
Answer. Yes, sir.
9. Question. How often?
Answer. Once or twice.
10. Question. How long did you stay each time?
Answer. I came up here among a lot of others. The reservation had all been scripped at that time.
11. Question. When was that?
Answer. That was right after the war—in 1866 or 1867. It was when Zach Chandler was Secretary. He threw it open. I came here for the bank of Madison, Wis., as I understood it. I was hired by a man named G. W. Nesbit, who was their general agent.
12. Question. Did you accomplish anything in the way of preemption?
Answer. It was all covered. The reservation had all been scripped.
13. Question. When did you come up here to live?
Answer. In 1882.
14. Question. What was your purpose in coming up here at that time?
Answer. I was sent up here to cruise these lands.
15. Question. By whom?
Answer. W. D. Washburn, of Minneapolis.
16. Question. What was his object, if you know?
Answer. He expected to enter it. He told me he expected to locate it with scrip.

I will turn again to question 51, on page 55 of the record, and read to question 79, inclusive:

51. Question. Now, did you ever have anything to do with the appraisal of the improvements made by the Mille Lac Chippewas on the former Mille Lac Reservation?
Mr. EDGERTON. Objected to as incompetent, irrelevant, and immaterial, and what those improvements were or were not can not be considered in this case, and it is stipulated that this objection may apply to all questions of a similar character put to this winess.
Answer. Yes.
52. Question. Did you make an appraisal of the improvements?
Answer. I did—in conjunction with the major here (McLaughlin) and Mr. Michelet.
53. Question. Well, before that?
Answer. Oh, yes; two years before that I made an appraisal.
54. Question. What was that appraisal?
Answer. About $76,000.
55. Question. What, if anything, did you do after making that appraisal?
Answer. Well, I went down to Washington with these Mille Lac Indian chiefs trying to make a treaty.
56. Question. Did you try to make an accurate appraisal?
Answer. An accurate appraisal; yes.
57. Question. State as briefly as you can what you did.

Answer. Well, I simply went down there and went before the committee of the Senate there and presented the affair, and I accompanied Senator Nelson up to the Interior Department to see the Secretary of the Interior, Mr. Hitchcock, and there was an agreement arrived at what to do. There was no objection to the amount that I had presented.

58. Question. Did you have any conversations with Mr. Hitchcock, Secretary of the Interior?

Answer. Twice; yes.

59. Question. Was he opposed to the bill?

Answer. No; he was very favorable to the bill. In fact, he didn't think it was enough.

60. Question. What was his idea, to pay for the improvements or to get the Indians to remove from the old Mille Lac Reservation?

Mr. EDGERTON. Objected to as incompetent, irrelevant, and hearsay, and it cuts no figure in this case what Secretary Hitchcock thought about the matter, and it is stipulated that this objection may apply to all questions and answers of a similar character.

Answer. Well, I went there with Senator Nelson at his request and the whole matter was talked over about this Mille Lac business, and Hitchcock says, "Now, this thing has been hanging fire for years and we have not been able to settle it, but now it looks as though we would bring it to a focus." The Indian appropriation bill had passed the House, and Senator Nelson says, "I will insert a $25,000 clause in there," and Mr. Morris, our Representative, was to see that it was got through the concurrent committee of the two Houses, and then Hitchcock turns to me and says, "Now, Mr. Robbins, I will tell you what I want. About the 1st of June this money will be sent up there and paid to these Indians, and at the same time I will send a special agent to you and you take those Indian chiefs and go over that reservation and assess everything; assess just as liberally as your conscience will allow; I don't care if you get to $100,000, because I feel as though those Indians have been greatly wronged, and me and Mr. Nelson will see the bill through." That was the way it was left when I left Washington.

61. Question. Then the idea was to get the Indians away from the reservation?

Mr. EDGERTON. Objected to as leading.

Answer. That was the understanding between me and the Indians. It was understood as between me and the Indians that if they got reasonable compensation for their improvements that they would accept that; they was to leave the reservation.

62. Question. What was the real object, then, so far as you could understand?

Answer. To settle all their claims and get them to leave the old reservation.

63. Question. Did you have any conference with Commissioner Jones about that?

Answer. Yes; dozens of times.

64. Question. What were those conferences?

Answer. The conference was—it was nothing else only to get the matter settled and get the Indians to move.

65. Question. Was Commissioner Jones favorable or unfavorable to the bill?

Answer. He was favorable, of course.

66. Question. Did you go before the Senate committee of Congress?

Answer. Yes.

67. Question. Was the Senate committee favorable?

Answer. Well, I made my statement. I don't know what they done. Of course I had made a written claim that covered certain things to constitute this damage and loss; and it was not only the improvements, but they claimed they made so many tons of maple sugar each year, for the sugar bush was taken; they claimed they made 500 tons of hay each year and sold it to the lumbermen. When I first came here they gathered about 2,500 bushels of wild rice each year; that was all figured in.

68. Question. Then the values were rather inflated, of course?

Answer. Well, it is hard to say. Of course, it might have been on their improvements, because their improvements are hard to estimate.

69. Question. Wasn't the sole purpose to get these Indians away from here?

Answer. It was to close up all their right, title, and interest in the whole affair.

70. Question. What became of the act of Congress? Did it pass?

Answer. No; that got pigeonholed, so Senator Nelson wrote.
71. Question. Why?
Answer. Some man named Beaulieu kicked it over.
72. Question. Did he write that to you?
Answer. He wrote that to me.
73. Question. Where is that letter?
Answer. I am sure I don't know. It is too long to keep that.
74. Question. What was his first name?
Answer. Gus.
75. Question. Now, were you present with Maj. McLaughlin and Agent Michelet when they made their appraisal of the improvements on the reservation in August, 1902?
Answer. I was.
76. Question. Do you remember as to what was the total value of the improvements that you appraised?
Answer. Well, we run them over, and when we bunched them up we got about $57,000, and we had to cut it down to $40,000.
77. Question. You had appraised the value of those improvements as of the time they were made and not as of the time the appraisal was made; isn't that so?
Answer. Oh, no; we took it from the time when I first came here.
78. Question. You considered the improvements as they were when you came here in 1882 and you appraised them upon that valuation?
Answer. Yes; that was the way we figured it.
79. Question. At the time the improvements were appraised they were of little value, were they not?
Answer. Comparatively speaking, they weren't worth anything; only two or three that amounted to a great deal.

Mr. GEORGE. How much later was that?

Mr. O'BRIEN. The appraisal was made in 1902.

Mr. GEORGE. They took the value of the improvements as in 1882.

Mr. O'BRIEN. Yes; 20 years previous to that. I wish to read from the same case the deposition of Simon Michelet taken at St. Paul, Minn., on the 19th day of August, 1909. Mr. Michelet, as Mr. Robbins states, was one of the commissioners to appraise the improvements, so-called, beginning at the bottom of page 86 of the record, question No. 38:

Q. Please state, as well as you can remember, how this appraisal was made and how you arrived at the total value of such improvement.—A. Maj. McLaughlin and myself and Mr. Robbins and the committee of the Indians—I think that committee consisted of two or three Indians—visited the several places where improvements were, or had been, and from what we could see of the different places and the testimony we got from the Indians and others, we arrived at what we thought was a fair estimate of the damages suffered by the individual Indians.

Q. Will you please state whether or not you took the value of the improvements at what they had been or what they were at the time you made the appraisal?—A. At what they had been. Of course it would be impossible to assess damages on buildings that had been destroyed at the time we visited there.

Q. For instance, the clearings, at the time you assessed them, had grown up with brush, had they not?—A. A good many of them; yes.

Q. And the houses were destroyed or had fallen into decay, had they not?—A. Yes, sir.

Mr. O'BRIEN. I wish to read from the same record the deposition of James McLaughlin, for the defendants, taken at Washington, D. C., on the 21st day of December, 1909, in the same record, page 99, question No. 14:

Q. Who made the appraisements of the improvements, as provided by the act of May 2, 1902, and what was the amount of such appraisements, if you know?—A. Agent Michelet and myself made the total appraisement, which was $40,000.

Mr. O'BRIEN. That shows the method by which the $40,000 was covered up—that is, eaten up—so as to use up all the money that had been appropriated by Congress; that is, Congress provided that so much of that $40,000 as might be necessary to pay the Indians for their improvements on the reservation could be used out of that appropriation. This shows how the commissioners—McLaughlin, Michelet, and Robbins—had appraised the so-called improvements at what they had been in 1882 instead of 1902, at the time the act was passed.

Mr. GEORGE. Is it clear in your mind whether these improvements were more or less in value?

Mr. O'BRIEN. Why, Michelet's testimony states that it was impossible to do anything with some of the buildings, for the reason that they did not exist—in substance. He does not use those exact words. And Mr. Robbins in his testimony, which I read, states that there was practically nothing there, only two or three buildings, that amounted to anything.

Mr. BEAULIEU. Mr. Robbins made a report. ' Have you got that report here?

Mr. O'BRIEN. There is a list of the buildings as they existed in 1882, and Mr. Robbins states in his testimony that the appraisal was made on that basis. Maybe you can find it as quickly as I can. It is one of the exhibits of the case, Mr. Beaulieu; there is the entire record.

Mr. O'Brien hands Mr. Beaulieu the book.

Mr. GRAHAM. You are going to show, are you, what was done with the $40,000?

Mr. O'BRIEN. We expect to show that.

Mr. GEORGE. You first show how they got this—by an inflated valuation.

Mr. O'BRIEN. As Mr. Robbins states, there were practically only three buildings. This commission, consisting of Michelet, McLaughlin, and Robbins, appraised the valuation of the improvements as they were supposed to exist in 1882, in order to eat up the entire $40,000.

Mr. GRAHAM. It is first shown, however, how the appropriation of $40,000 was obtained. Then it is shown how the commissioners, who were instructed to make liberal valuation of whatever there was, went on, and on the basis of what the improvements cost in 1882, they made valuations 20 years later, in 1902, which absorbed the entire $40,000. But you claim, as a mater of fact, that there were only three sets of improvements anywhere in sight?

Mr. O'BRIEN. Three buildings, according to the testimony of one of the commissioners, Mr. Robbins, who made the appraisement.

Mr. GRAHAM. Three dwelling houses, were they?

Mr. O'BRIEN. He speaks of them only as "three buildings."

Mr. GRAHAM. Whatever they were. If there had been others they were burned up or out of sight in some way. Now, as I understand you, you propose to show the actual disposition that was made of the appropriation of $40,000.

Mr. O'BRIEN. That is it exactly, Mr. Chairman.

Mr. BEAULIEU. I want to mention that these improvements had been absorbed by the white settlers; that is, when they would go to an Indian's house they usually made barns or storehouses of them,

or destroyed them and built their own houses on the land that they had taken.

Mr. O'BRIEN. I would like to ask, Mr. Chairman, if Mr. Beaulieu is going to testify in this matter; and if so, that he be sworn.

Mr. GRAHAM. I would suggest to Mr. Beaulieu that, after he hears this testimony, he can, of course, offer evidence to counteract it.

Mr. O'BRIEN. Oh, certainly; certainly.

Mr. GRAHAM. But he has the right to understand what is about to be done, so he may meet it if he can.

Mr. O'BRIEN. Certainly he has.

Mr. GRAHAM. But I don't understand that Mr. Beaulieu thinks that his statement now is to take the place of evidence.

E. B. LINNEN recalled.

Examined by Mr. O'BRIEN:

Q. Mr. Linnen, I will ask you if you ever investigated the disposition of a certain fund of $40,000 which was, according to an act of Congress, to be paid to the Mille Lac Indians for improvements made upon their reservation?—A. I did.

Q. How did you happen to make that investigation; what were the circumstances?—A. My report, a copy of which I now hold in my hand, will give, I believe, the circumstances connected with it.

Q. When did you make that investigation, Mr. Linnen?—A. During the month of July, 1909.

Q. And this is the report you made upon it, the report you now hold in your hand?—A. Yes, sir.

Q. That report is a correct report?—A. Yes, sir.

Q. It represents your best judgment as to what actually happened in the disposition of those funds?—A. It does.

Q. Will you read the report to us?

Mr. GRAHAM. This is a copy of the report already filed with the Indian Bureau?

Mr. LINNEN. With the Secretary of the Interior.

Mr. Linnen then read the report, as follows, same being exhibit 53:

BURCH'S EXHIBIT 53.

[Subject: Re false charge made by Gus Beaulieu against Supt. Howard, White Earth, Minn.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth Agency, Minn., July 17, 1909.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to inclose herewith letter dated White Earth, Minn., July 17, 1909, from Supt. John R. Howard requesting that I make an investigation as to certain funds which it was charged by Gus H. Beaulieu in his weekly newspaper, the Tomahawk, issue of July 15, 1909, to have been wrongfully withheld from the Mille Lac Band of Indians, etc., and to which said letter is attached thereto, clipping from said newspaper of the article referred to, which explains itself.

I have made investigation of this matter and will give you a brief outline of the history of said transaction.

The agreement with the Mille Lac Bands of Chippewa Indians, dated August 30, 1902, the Government being represented by Inspector James McLaughlin and former Supt. Michelet, provides that the $40,000 which was appropriated by act of Congress, dated May 27, 1902, should be disposed of as follows:

1. That the sum of $11,020 be deposited in the First National Bank of St. Paul, Minn., to the credit of the Mille Lac Band of Indians, etc.

2. That Gus H. Beaulieu be paid $4,000 for legal services rendered to the said Mille Lacs Indians.

3. That $2,500 be paid to Daniel B. Henderson for legal services rendered to the Mille Lacs Indians.

4. That $2,000 be paid to the chiefs of the Indians who had rendered services to their people, and that $500 be paid to Sam Powell for services rendered.

5. That the further sum of $1,150 be paid to Daniel B. Henderson for expenses, etc.

That the sum of $150 be paid to Charles A. Ruffee.

That the sum of $180 be paid to D. H. Robbins for services.

6. That the sum of $18,500 be paid to the Indians occupying the Mille Lacs Reservation per capita.

Thus you will observe that the sum of $29,520 was to have been paid to the Mille Lacs Indians out of the said $40,000 appropriated by said act of Congress, of which sum $18,500 was to be paid per capita, and the sum of $11,020 to be placed to the credit of said tribe of Indians in the First National Bank of St. Paul, Minn., that the sum of $4,000 was to be paid to Gus H. Beaulieu for attorney fees, and the sum of $3,650 was to be paid to Daniel B. Henderson for legal services and expenses.

Subsequently it became known to the Mille Lacs Indians that the moneys deposited in the First National Bank of St. Paul had come into the personal control of Gus H. Beaulieu and said Indians brought suit against said Beaulieu to recover the sum of $10,020, which money belonged to the tribal funds of the Mille Lacs Bands of Chippewa Indians. Prior to or on the date on which said suit was to be heard the said Mille Lacs Band of Chippewa Indians entered into a stipulation or agreement with said Beaulieu, dated January 12, 1907, whereby it was agreed that they would compromise said suit upon the payment by said Beaulieu of $6,600 of said funds, whereby you will observe that said Beaulieu was a gainer in the sum of $3,420, which, with the $4,000 attorney fee he had already received, made a total payment to him of $7,420 out of said appropriation of $40,000 which was made for said Mille Lacs Band of Indians, as above stated.

From this $6,600, which was placed to the credit of said Mille Lacs Bands in the Merchants' National Bank of St. Cloud, the sum of $1,000 was paid by said Indians to Stewart & Brower, attorneys for said Indians, in bringing said suit and compromising the same as herein stated for them with the said Beaulieu. This left the sum of $5,600 in said Merchants' National Bank of St. Cloud, Minn., to the credit of said Mille Lacs Bands of Chippewa Indians. There was subsequently made by the said bank a per capita payment to the said Mille Lacs Band of Indians, as per alleged agreement of the council of said Indians, of the sum of $3,211.25, leaving a balance in said bank of $2,388.75 to the credit of said Indians, which said amount was turned over by said bank to former Indian Agent Michelet and by him turned over to his successor, John R. Howard.

Under instructions from the honorable Secretary of the Interior, Supt. Howard disbursed said sum of money as follows:

He paid $505.05 to A. M. Harrison, of Minneapolis (see voucher 69, cash accounts, fourth quarter, 1909, White Earth Agency, Minn.), and made a per-capita payment to the Mille Lacs Bands of Indians of $6.90 each to 243 Indians (voucher 68, cash, fourth quarter), making a total of $1,676.70. He deposited on July 14, 1909, to the credit of the Treasurer of the United States, a balance of $207, making a sum total of $2,388.75, which accounts fully for every cent of said fund turned over to him by his predecessor.

Thus you will observe that there is no foundation whatever for the article which appears in Gus Beaulieu's paper, the Tomahawk, issue of July 15, 1909, which does Supt. Howard a great injustice, the fact being that Mr. Beaulieu could have ascertained the truth and facts with relation to said transaction instead of willfully misrepresenting such matters to suit his purposes.

Very respectfully,

E. B. LINNEN,
United States Inspector, Department of the Interior.

P. S.—For your information I also inclose herewith a copy of letter written by Supt. Howard to Gus Beaulieu, dated July 13, notifying him to come to the officer and ascertain the facts with relation to the above-mentioned transaction.

E. B. L.

Mr. O'BRIEN. I will ask you, Mr. Linnen, if you know who this Mr. Harrison was? To whom the $505.05 was paid.

A. No; I do not. I presume I did know at the time, because I looked up the cash voucher, but I do not remember now.

Q. Now, do you know, Mr. Linnen, who made the agreement with the Mille Lac Indians to which you refer there? You have read in that report that an agreement was made with the Mille Lac Indians as to how this money should be distributed. Who represented the Government in making that agreement?—A. I understand it was James McLaughlin and Supt. Michelet, as shown by the report dated August 30, 1902.

Examined by Mr. BURCH:

Q. By what means were they empowered to allow Beaulieu $4,000 and Henderson the amount mentioned and these others? Did they have the power under the act of Congress to distribute this money?—A. I have no knowledge on that score.

Q. Mr. O'Brien states that the act provides that the money shall be distributed in such way as the Mille Lac Indians agreed, and it is made to appear that they had agreed with McLaughlin that these sums should be paid to these attorneys, etc.

Mr. GRAHAM. In what way did they agree?

Mr. BURCH. That is what I would like to find out.

Mr. O'BRIEN. It is stated in Mr. Linnen's report that McLaughlin and Michelet held some sort of a council or meeting.

Mr. BURCH. Will you read that again, Mr. Linnen?

Mr. LINNEN (reading):

The agreement with the Mille Lac Band of Indians, dated August 30, 1902, the Government being represented by Inspector James McLaughlin and former Supt. Michelet, provides that the $40,000, which was appropriated by an act of Congress dated May 27, 1902, should be disposed of as follows.

Q. What I want to ask you is, Did you find that agreement?—A. I think I had it in my possession at the time.

Q. Do you know where it can be found now?—A. No; I do not, but my judgment would be that it is on file up there at White Earth Agency.

Q. Do you recall what Indians' names were signed to it?—A. I don't now; no, sir.

Q. Who purported to hold this council with McLaughlin and Michelet?—A. The Mille Lac Band of Chippewa Indians.

Q. Can you procure by telegram or otherwise by the time this committee reaches Detroit, a copy of that agreement?—A. I believe you will find it on file in the office and I will request that they sent it to you gentlemen.

Q. Would the committee desire it?

Mr. GEORGE. Yes; we would like to see it.

Mr. GRAHAM. What would be the probable date of it?

A. August 30, 1902.

Examined by Mr. GUS H. BEAULIEU:

Q. Mr. Linnen, have you a copy of the Tomahawk which you refer to there?—A. No, sir. I sent it up with my original report.

Q. Can you recall what it said?—A. I do not now; no, sir.

Q. And your report was solely in explanation of the charges in the Tomahawk, was it?—A. My report was based on the request of

the superintendent, charges having been made against him in your paper for misappropriation of Government funds. He asked to have it investigated, and I did so.

Q. Did you call on Gus H. Beaulieu and learn from him what the facts were in that case as he knew them to be?—A. No. As I have heretofore said, I did not meet Gus H. Beaulieu until some time after I completed my investigation at White Earth.

Q. Was he not living at White Earth during the whole time you were there?—A. No, sir; he was not—that is, he might call that his home, but he was there mighty little.

Q. What date was it that you conducted that investigation?—A. July 17, 1909.

Q. Was not Gus H. Beaulieu at White Earth July 17, 1909?—A. I don't know, sir.

Q. Could you not have found out where he was?—A. I did not make any search for him particularly, I did not want to see him, I got the evidence and the facts without going to see him.

Q. You got one side of the facts?—A. I got all the facts, the truth, and they are stated in this report.

Q. Do you know anything about that suit that was commenced against Gus H. Beaulieu?—A. I think I do. I may have reported something about that at the time, but I do not recall it now.

Q. Well, through whom was it commenced?—A. Oh, I don't recall through whom. My understanding was these Indians had employed these attorneys that are mentioned here to bring suit against you to recover that money.

Q. Do you know who the plaintiffs were in the case?—A. No, I don't. I presume it is the Mille Lac Band of Indians. The records are the best evidence.

Q. Were not the chiefs the plaintiffs in the case?—A. I don't know. The records in the case will be the best evidence.

Q. Well, you have produced a part of the records, but only a part of them. You ought to produce them all. A. There are no records here. The facts are here, taken from the records.

Q. Were not the witnesses at St. Cloud, who were there in favor—that is, for Gus Beaulieu? Were they not also the plaintiffs in the case?—A. I can not tell what you did to bring about a compromise, I am sure. I don't know.

Q. Did not the attorneys Stewart and Brower represent a certain trader up there instead of the Indians?—A. The Indians paid them $1,000 for representing them.

Q. Are you sure that the Indians paid them $1,000 for representing them?—A. The records so show, it was paid out of those funds.

Q. Did you not know that Gus H. Beaulieu turned over to Stewart and Brower $1,000 to be distributed among the Indians, not to be paid to them as a fee?—A. I have simply shown what the records have shown, the facts in the case. Anything that you may have done outside of the record, in donating them money, I know nothing about.

Q. Did you see a stipulation?—A. I do not recall anything about a stipulation now.

Q. You refer to it, I think, there.—A. (Referring to report.) Yes, I think I saw the stipulation, I referred to it. They entered

into an agreement with you dated January 12, 1907, agreeing to compromise the suit upon payment by you of $6,600.

Q. $6,600; that is right. Did the stipulation also state that all expenses, including the tracts of land that I had obtained for the Indians up there, would be deducted from the amount of $10,020—not $11,020?—A. I don't recall the other circumstances in connection with the stipulation. I simply took the main features, which was the basis of the compromise.

Q. Did you submit with your report the stipulation that you saw?—A. It was on file with the department. It is still.

Q. You have not got it here, have you?—A. No, sir.

Q. Did the stipulation state that I had in my possession $11,020?—A. I didn't so state. I stated very specifically that the Indians brought suit against you to recover the sum of $10,020.

Q. And that there was a balance that I retained—a balance of how much?—A. I said subsequently it became known to the Mille Lac Indians that the money deposited in the First National Bank of St. Paul had gotten into the possession or control of Gus H. Beaulieu, and said Indians brought suit against said Beaulieu to recover the sum of $10,020, which money belonged to the tribal fund of Mille Lac Chippewa Indians.

Q. You got your information principally from Maj. Howard?—A. I got my information from the record of it—the statement of the banks, the stipulation, everything that was of record. It is authentic.

Q. While you are presenting this matter now as evidence against me, why didn't you bring the stipulation also?—A. I beg your pardon, I am not presenting this. In the records which the Department of Justice had they have a copy of my report, and they asked me to state the facts. I am doing so at their request. Prior to coming here I did not know that they had this. If I had been presenting it I would have probably——

Mr. O'BRIEN. Mr. Chairman, I will say at this point, if there is any dispute of the correctness of the report of Mr. Linnen, that we will produce the same evidence from the files of the Tomahawk, the same figures.

Mr. BEAULIEU. The stipulation, it seems to me, would cut quite a figure.

Mr. GRAHAM. I understood Mr. Beaulieu to say, commenting on one of the answers, that the compromise of $6,600 was correct.

Mr. O'BRIEN. Except that Mr. Beaulieu insisted on saying that the $1,000, which Mr. Linnen testified went to the firm of lawyers who sued Mr. Beaulieu, was for distribution among the Indians. I should say, if there is any question even about that, we will produce the files of the Tomahawk to show that it was specifically a thing for the attorneys.

Mr. LINNEN. It was paid to the attorneys and is charged on the records to the attorneys. They received the money. The check was drawn in their favor.

Mr. BEAULIEU. I admit that it was paid to the attorneys with the understanding that was made at that time, that it would be paid over to the old people.

Mr. GRAHAM. Mr. Beaulieu has a right to ask questions based on such theory as he maintains. Go ahead, Mr. Beaulieu.

Examined by Mr. BEAULIEU:

Q. Now, did Maj. Howard, or anyone else that knew about this case, tell you that the settlement was made after I consulted with the chiefs whose names were used in the suit?—A. I don't recall anything about that, Mr. Beaulieu.

Q. Did you hear from any source that I was at Washington at the time the suit was mentioned?—A. I knew nothing about that at all.

Q. Did you ever hear that I went up to Mille Lac and called a council of the Indians, and said to them that if they would authorize me to pay over the amount to any bank, or to those attorneys, that I would do so, up to $10,020?—A. I know nothing whatever about that.

Q. You didn't hear of that?—A. No, sir.

Q. That is all.

Mr. O'BRIEN. We would like to have the record show, Mr. Chairman, so far as we are concerned at present that this closed the incident of the Mille Lacs fund, which appears under that subheading in No. 7 of the hearings of this committee, and if the committee desire further information at a later date, we will be glad to present such as we have or can get.

Mr. BEAULIEU. I wish to say to the committee that I am going to present the whole matter thoroughly when we get up to Detroit.

Mr. GRAHAM. Very well, very well.

Mr. O'BRIEN. On page 253 of No. 7 of the hearings of this committee, under the heading "Grievances of the real Minnesota Indians," we wish to complete the record on that subject at this point. Of course, this matter is of a historical nature, and we consequently have been driven into the histories of the period to ascertain what the facts were. I have here what seems to be the only authentic history dealing with the facts. It is a book I got from the Congressional Library at Washington and is entitled "History of the Sioux, the War and Mistakes of 1862 and 1863," by Isaac V. D. Heard, published in 1864, right after the outbreak of 1862.

Mr. O'BRIEN. I will read from page 338, second paragraph:

There is another nation of Indians who are to be feared more than those who are engaged in open war, because the Government is not aware of the danger which exists, and are taking no precautions against it. That nation is the Chippeway. They extend from Dakota to the St. Lawrence. The number of their warriors in the United States alone is fully 4,000, and there are nearly as many more in the British possessions.

The Sioux War has already cost the country over $10,000,000, and will cost many millions more before its completion. The scene of military operations against them is a prairie country, where the hiding places are few and pursuit easy. What will be the expenses of a conflict with the Chippewas, who are mostly located in a wilderness filled with lakes, swamps, and thickets? Ninety thousand square miles of such territory, closely bordered by settlements of the whites, is included in their possessions in Wisconsin and Minnesota.

This formidable foe, at least so far as the latter States are concerned, are as dissatisfied as the Sioux, from similar causes, and their grievances have been of as long standing. They have often importuned for redress, but in vain. In the spring preceding the Sioux massacre, Hole-in-the-Day visited Washington to expose their grievances; but an audience was so long delayed by those in authority that he returned in disgust and advised a junction with the Sioux.

This was prevented by their hereditary enmity toward the latter and the interposition and promises of the Hon. Henry M. Rice and other whites who had influence with them, and by a solemn treaty that their wrongs should be

inquired into by commissioners (who were then appointed) and forthwith redressed. Over a year has elapsed, and no such examination or redress has been authorized by the Government.

Mr. O'BRIEN. As the author of this work states that the grievances of the Chippewas are identical with those of the Sioux, we learn only by inference what are the grievances of the Chippewas, and for that reason I will turn to the grievances of the Sioux—as stated by Mr. Heard, beginning at page 31 of the same work, chapter 2, "Causes of the outbreak":

The Indians were predisposed to hostility toward the whites. They regarded them with that repugnance which God has implanted as an instinct in different races for the preservation of their national integrity and to prevent the subjection of the inferior in industry and intelligence to the superior. When they first caught sight of Hennepin they saluted him with a discharge of arrows.

This inborn feeling was increased by the enormous prices charged by the traders for goods, by their debauchery of their women, and the sale of liquors, which were attended by drunken brawls that often resulted fatally to the participants. Death to the whites would have followed years ago had not commercial dealings with them, as before stated, become a matter of necessity.

And again, at the top of page 33:

The hostility arising from these causes was but trivial in comparison with that which arose out of the sale of their lands and the treaties therewith connected. The cession of their territory is necessarily enforced upon the Indians by the advance of the white race. Hunting and farming can not exist together, and the Indian can not and will not change his mode of life in a day, if ever. The whites cut down the trees; their steamboats frighten the beaver and the wild fowl; and their presence drives the deer and the buffalo far to the west. Were the treaties fairly obtained and all their stipulations fully carried out, regrets for the homes they had lost and the narrow limits, soon destitute of game, into which they are crowded would soon bring repentance of their bargain and force a bloody termination of the conflict of the races. But the treaties are born in fraud, and all their stipulations for the future are curtailed by iniquity.

The traders, knowing for years before that the whites will purchase the lands, sell the Indians goods on credit, expecting to realize their pay from the consideration to be paid by the Government. They thus become interested instruments to obtain the consent of the Indians to the treaty; and by reason of their familiarity with their language and the assistance of half-breed relatives are possessed of great facilities to accomplish their object. The persons deputed by the Government to effect a treaty are compelled to procure their cooperation, and this they do by providing that their debts shall be paid. The traders obtain the concurrence of the Indians by refusing to give them further credit and by representing to them that they will receive an immense amount of money if they sell their lands, and thenceforth will live at ease, with plenty to eat and plenty to wear, and plenty of powder and lead, and of whatever else they may request.

After the treaty is agreed to the amount of ready money is absorbed by the exorbitant demands of the traders and the expenses of the removal of the Indians to their reservations. After that the trader no longer looks to the Indian for his pay; he gets it from their annuities. He therefore does not use the same means to conciliate their good will that he did when he was dependent on their honesty. Claims for depredations upon white settlers are also deducted out of their moneys before they leave Washington, on insufficient testimony; and these are always, when based on fact, double the actual loss, for the Indian Department is notoriously corrupt, and the hand manipulating the machinery must be crossed with gold. The "expenses" of obtaining a claim enter into the amount demanded and allowed. The demand is not only generally unjust, but instead of its being deducted from the moneys of the wrongdoer it is taken from the annuities of all. This course punishes the innocent and rewards the guilty, because the property taken by the depredator is of more value than the slight percentage he loses.

Many of the stipulations as to establishing schools and furnishing them with farming utensils are never carried out. Building and supply contracts

are entered into at outrageous prices, and goods belonging to the Indians are put into the traders' stores and sold to their owners, and the moneys realized shared by the trader and the agent. About $400,000 of the cash payment due the Sioux under the treaties of 1851 and 1852 were paid to the traders on old indebtedness. So intense was the indignation of the Indians that there was serious apprehension that they would attack the Government officials and traders.

Mr. GEORGE. These were the grounds of the Sioux differences?

Mr. O'BRIEN. Yes; Mr. Heard said they were identical with the Chippewas, and by that inference we learn the grounds for the attitude of the Chippewas.

Mr. GRAHAM. Now, the historian says, as has been said here a great many times, that at one time the Chippewas extended from the Mississippi to the St. Lawrence. How did they reach the St. Lawrence? North of the Great Lakes?

Mr. BURCH. North of Lake Erie and east of Lake Huron, in the Canada portion, not through Ohio.

Mr. GEORGE. Then they were divided into various bands of Chippewas?

Mr. BURCH. They gradually came down as these successive treaties were made, until we have to-day the Minnesota Chippewas, who are the only Chippewas included in the act of 1889.

Mr. GEORGE. But in previous acts they are spoken of as the Mississippi?

Mr. O'BRIEN. Well, the Mississippi Chippewas were a part of the Minnesota Chippewas.

Mr. GEORGE. Superior Chippewas?

Mr. O'BRIEN. There were Lake Superior Chippewas which by subsequent treaties settled around Ashland, Wis.

Mr. GEORGE. Do you mean subsequent to 1862?

Mr. O'BRIEN. No; prior to 1862.

Mr. BURCH. Now, the answer to Mr. George's question would be, that there were a large number of Chippewa bands in Wisconsin; I would say Chippewa tribes in Wisconsin, not in Michigan, near that portion of the Province of Ontario, Canada, which lies between Detroit and Buffalo, and from there on down clear to the Ottawa River, and the Chippewas became commingled with the Ottawas, so that nearly all legislation speaks of the Ottawas and Chippewas as combined. As my brother has stated, the Minnesota Indian was the Mississippi Band, and that portion of the Lake Superior Band within the confines of the Territory, and later the State, of Minnesota.

Mr. GRAHAM. Did not the Hurons occupy at one time the territory you have been speaking of?

Mr. BURCH. A portion of it, I think, lying to the east of Lake Huron, while the Chippewas gradually turned to the south and to Michigan.

Mr. GRAHAM. Then you think the Chippewas gave way to the Hurons?

Mr. BURCH. No; I don't know about that.

Mr. GRAHAM. Well, it is not material.

Mr. BEAULIEU. This question is somewhat important to the Chippewas. I would like to make a brief statement.

Mr. GRAHAM. We would be glad to have you do so, Mr. Beaulieu.

Mr. BEAULIEU. The Chippewas, up to 1836, were a nation. The United States treated with them as a nation. They extended from the St. Lawrence clear to the north shores of Lake Superior. They also inhabited a part of Pennsylvania, and they were a part of the six nations of the Federated Tribes.

Mr. GEORGE. Under the name of Chippewas or Ojibways?

Mr. BEAULIEU. Ojibways; yes. They were one of the six. They were so designated on account of the place at which they lived. They speak the language, their customs are exactly the same; in fact, they are exactly the same as the Chippewas in Leach Lake or the Pillagers. They designated the Pillagers as Chippewas because they live at Leach Lake—Pillager-Chippewas. But in 1837 they were scattered from the north shore of Lake Superior clear down into Michigan; and the United States wanted to make a treaty with them and called all the chiefs down. But at that season of the year they were busy, too busy to go to Detroit, Mich., and the United States made a treaty with the Saginaw Band; and that was the first division made in the Chippewa Nation. Since then they have made treaties just with bands.

Mr. GEORGE. Before we leave this, I would like to ask Judge Burch to make it very clear in my mind whether the term "Mississippi Chippewas" embraces all the Chippewas in this State.

Mr. BURCH. No, Mr. George.

Mr. GEORGE. Does that embrace only those on this reservation?

Mr. BURCH. No, no. As I understand it, the broad term of "Minnesota Indians" embraces the Mississippi Band, which lies to the extreme west of the nation as it originally was and that portion of the Lake Superior Band which lies within the boundaries of the Territory, and later the State, of Minnesota. In other words, the Minnesota Indians now take the place of the Mississippi Indians in that it embraces all the Indians of Minnesota. I understand that a portion of the Lake Superior Band were east of the boundaries of Minnesota and in the boundaries of the State of Wisconsin about Ashland. Mr. Beaulieu can say whether I am correct about that. That is not material, I suppose, here, but whether that is true or not, I have that impression from the best knowledge I can get of them.

Mr. GRAHAM. Have you finished your historical statement, Mr. Beaulieu?

Mr. BEAULIEU. That is all I wish to state—how they began to treat with the Government as bands.

Mr. O'BRIEN. We now call the committee's attention to page 260 of the seventh hearing, under the head of "Legislation affecting White Earth matters pending and proposed." We wish to offer in evidence a bill introduced in the Sixty-second Congress, first session (H. R. 9334), by Mr. Steenerson, entitled "A bill for the relief of innocent purchasers of land on White Earth Reservation in Minnesota," dated May 12, 1911. This legislation, Mr. Chairman, was introduced after the Department of Justice, at the request of the Department of the Interior, had proceeded to the White Earth Reservation and commenced some 1,200 suits for the recovery of the 80-acre allotments that the Government contended, and still contends, were procured from minors who were mixed-bloods or from full-bloods who had no right to dispose of their holdings.

Mr. O'Brien read H. R. 9334 as follows:

[H. R. 9334, Sixty-second Congress, first session.]

A BILL For the relief of innocent purchasers of land on White Earth Reservation in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where suit has been or shall be brought by the United States on behalf of any Indian allottee of lands on White Earth Reservation in the State of Minnesota to set aside any conveyance of such land upon the ground that the grantor is a full-blood Indian and not embraced within the class of Indians authorized to convey land under the act of June twenty-first, nineteen hundred and six, the defendant or defendants in such suit may plead by way of supplemental pleading that such grantor conveyed his land under the representation that he was a mixed-blood Indian and received valuable consideration therefor, which he still retains, the fair value of such land at the time of such attempted conveyance, and that he is ready and willing to pay into court for the benefit of such grantor the difference, if any, between such fair value and the amount already paid, and thereupon the court shall, upon evidence submitted on the stipulation of counsel, find the fair value of the land at the time of such attempted sale, and also the amount actually paid therefor, and upon payment of the difference, if any there be, into court for the benefit of such Indian grantor, judgment confirming such sale shall be entered and adjudging the title accordingly.

In determining the fair value of such land, the court shall take into consideration the price at which similar land was actually sold for by persons competent to sell at or about the time and in said locality.

All moneys paid into court as above prescribed shall be paid over to the Secretary of the Interior for the use of the Indians entitled thereto.

In all cases where any Indian allottee of land on White Earth Reservation in Minnesota who appears upon the roll prepared by the Department of Justice and known as the Hinton roll as full-blood Indian has heretofore or shall hereafter attempt to sell and convey his land to innocent purchasers under the pretext that he or she is a mixed blood and authorized to convey under the act of June twenty-first, nineteen hundred and six, and such vendee shall have gone into actual possession of such land and made valuable improvements thereon, the Secretary of the Interior is hereby authorized and directed to speedily ascertain the fair value of said land at the time of such attempted conveyance thereof, and in ascertaining such fair value he shall take into consideration the price at which like parcels of lands were sold in that locality at that time by persons competent to dispose of them; and when such value is ascertained the purchaser may pay to the Secretary of the Interior, for the benefit of the Indian allottee, the difference between such amount and the amount actually paid to such incompetent allottee, and thereupon the Secretary of the Interior shall approve such sale and shall issue fee-simple papers thereon without delay.

Mr. BEAULIEU. I would like to ask Mr. O'Brien if he is going to introduce all the bills relating to the White Earth matter—that is, relating to the manner in which they wanted the disputes up there settled—I mean the first two Steenerson Acts?

Mr. O'BRIEN. Well, if there is anything we have that you know of, we will be glad to have it go into the record, so as to make this subdivision of our story complete.

Mr. BEAULIEU. The date of the introduction was some time in 1904, the first one, and not 1905.

Mr. GRAHAM. The bill which was introduced, which never became a law?

Mr. BEAULIEU. It was not 1904; it was 1910 or 1909. I was mistaken about that.

Mr. O'BRIEN. Well, I personally was not aware of any such proposed bill, but the Congressional Record will show, and it will be a very simple matter for the committee.

Mr. GEORGE. Mr. Beaulieu, who introduced that?

Mr. BEAULIEU. Mr. Steenerson introduced both of those bills. The first one was referred to the Department of the Interior for report; that is the one I mentioned the other day, on which I thought it was agreed that the Department of Justice would report in favor of it.

Mr. O'BRIEN. Is not that the bill which was afterwards introduced by Senator Clapp, substantially?

Mr. BEAULIEU. I don't think that Mr. Clapp introduced a bill of that kind.

Mr. O'BRIEN. Oh, yes; I am going to read one now that Senator Clapp introduced.

Mr. BEAULIEU. This is one that Steenerson introduced a year ago last winter, and last winter he also introduced one and Clapp had it put on as an amendment.

Mr. O'BRIEN. To the appropriation bill?

Mr. BEAULIEU. To the appropriation bill. That was at the suggestion of the Indian Committee. I was present.

Mr. O'BRIEN. I will challenge your attention now to what I am going to read, Mr. Beaulieu, from the Congressional Record.

Mr. O'Brien read from the Congressional Record, volume 46, pages 1141 and 1142, as follows:

Mr. CLAPP. At the end of page 14 I ask the Senate to insert the following amendment.

The SECRETARY. It is proposed to insert at the end of page 14:

"That a commission consisting of three members be, and the same is hereby, created, authorized, and empowered to make a complete census roll of all the Chippewa Indians who have received, or are entitled to receive, allotments of land in severalty on the White Earth Reservation, in the State of Minnesota.

"Said commission shall consist of the present Chippewa commissioner, a member to be appointed by the Secretary of the Interior, and a member to be chosen and designated in a general council by the White Earth Band of Chippewa Indians, to be held at the village of White Earth, on the White Earth Indian Reservation, in said State, and the proceedings and report of which council shall be certified to the Secretary of the Interior and authenticated by the chairman and secretary of the council.

"The commission hereby authorized shall be selected and appointed within thirty days from the passage of this act and shall forthwith assemble at the village of White Earth aforesaid, and, after organizing, shall proceed to enroll, in alphabetical and convenient order, all persons entitled thereto, showing the name, age, and sex of each, and making the roll in two parts, one of which shall include only persons having Indian blood alone, which persons shall be designated on the rolls as 'full bloods'; the other shall include only persons entitled to enrollment and having other than Indian blood, which persons shall be designated on the rolls as 'mixed bloods.'

"Said rolls shall be in quadruplicate, one copy to be delivered to a memoer of the tribe, to be designated by the council, one copy to be filed at the White Earth Agency and kept there open to inspection of any person desiring to examine the same, one copy to be delivered to the Commissioner of Indian Affairs, and one copy to the Secretary of the Interior.

"The rolls shall be signed and certified to by the members of the commission and shall be filed, as herein provided, within six months from the date of the appointment of the commissioners by the Secretary of the Interior, and shall be conclusive as to the classes to which said Indians belong, whether 'full bloods' or 'mixed bloods.'

"Said commission is hereby authorized and empowered to administer oaths and take the necessary testimony for establishing the facts in each case with reference to the class to which any member of said reservation belongs on the rolls.

"If any member whose name appears as full blood on said rolls has, prior to the making thereof, sold and conveyed his allotment, or any part thereof, to an innocent purchaser, under representation by such Indian that he is a mixed

blood, the Secretary of the Interior may, and he is hereby authorized, with the consent of the allottee, either to confirm such sale, or, if the amount received therefor, in the discretion of the Secretary of the Interior, be deemed inadequate, he may offer for sale and sell, under such rules and regulations as he may prescribe such full blood's allotment, or any part thereof, and, after reimbursing said innocent purchaser for all sums paid to the allottee therein, shall turn over to the allottee the balance so received from the sale: *Provided, however*, That in all cases where a purchaser has made improvements upon the land at his own expense, such improvements shall be separately appraised by the superintendent in charge of said reservation, by the owner of the improvements, and by the allottees, and said land shall not be sold for less value than said appraisal on both land and improvements.

"The allottees or any other person interested in the classification and enrollment under the terms of this act shall be permitted to appear in person or by attorney before said commission and present testimony that he may deem proper.

"And to defray the expenses of making such rolls the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund of the United States, to be charged against the Chippewas of White Earth Reservation and be reimbursed to the fund out of their share.

"Said commissioners shall be each entitled to compensation at the rate of ten dollars per day for each and every day actually engaged in the discharge of their duties. They are also hereby authorized to employ an interpreter at five dollars per day, and such additional assistance as they may deem proper and necessary, including clerks and stenographers."

Mr. CURTIS. Is this amendment recommended by the department?

Mr. CLAPP. No, sir; it was not. It passed the subcommittee of the House committee. It has not yet been recommended by the full committee of the House, but it is a very necessary provision, in my judgment. Matters have reached a condition there where it does seem to me there ought to be some authoritative designation of the mixed bloods and the full bloods.

Mr. CURTIS. They have all been enrolled, have they not, under the customs of the Government?

Mr. CLAPP. I presume that pretty nearly all of them have been enrolled.

Mr. CURTIS. Allotments have been made?

Mr. CLAPP. The allotments were made sometime ago.

Mr. CURTIS. And this has not been submitted to the office?

Mr. CLAPP. I will state to the Senator from Kansas that men were sent up there to make these rolls, and Indians have come to me themselves and have told me that they were importuned, that they were urged to declare themselves one thing when they were another thing. All we ask is that a commission of three men, one the agent already there, another to be appointed by the Secretary of the Interior, and a third appointed by the Indians themselves, shall proceed to make these rolls. It is their proposition.

Mr. CURTIS. Were these Indians induced to declare their blood, or their degree of blood, in order that they might be enabled to sell their lands?

Mr. CLAPP. I said, if induced.

Mr. CURTIS. That is what I say, if induced.

Mr. CLAPP. If induced, they were induced to declare their blood to the end that after they had sold their land they might disclaim the sale.

Mr. CURTIS. The object of the amendment is to permit the department, upon the recommendation of this commission, to proceed to set aside those sales and advertise the lands and sell them and reimburse the innocent purchaser?

Mr. CLAPP. If they find conditions of that kind prevailing.

Mr. CURTIS. Does the Senator think any man who induced a full blood to declare himself a part blood is entitled to reimbursement of any kind?

Mr. CLAPP. Not for a moment; but I do think that where men are known, whose fathers and mothers have appeared upon the mixed roll and have received their patents in fee, and such a person has been induced to make an affidavit that he is a full blood, and the land has passed into the hands of a settler who has gone on there—not the first purchaser, but a settler—and made improvements, he is entitled to some other consideration than an ex parte application of a Government agent to the conscience of that Indian with the prospect of the return of his land to him if he declares himself a full blood.

Mr. CURTIS. This reservation is in the Senator's State, and I judge he has investigated the matter himself.

Mr. CLAPP. Certainly I have.

Mr. CURTIS. I have no objection to the amendment.

Mr. PAGE. I should like to ask why a measure of this apparent importance is brought up at this time without having been submitted to the Committee on Indian Affairs?

Mr. CLAPP. Because there has not been time. This has been reported favorably by the subcommittee of the House Committee on Indian Affairs. The Senator is well aware that with the congested situation it is practically impossible to get at this time through the two Houses an independent bill. Therefore I have asked to put it on this bill. There is no other way in which it can be done. If the House committee should reject the report of the subcommittee the House committee can sustain their objection in conference. On the other hand, if in the meantime the House committee as a full committee shall have approved the bill, then it would follow that the conferees on the part of the House would doubtless be ready to accept it.

Mr. PAGE. Mr. President, I want to profess absolute ignorance in regard to this measure. I do not know whether it should or should not be placed in the bill. I have watched with a good deal of interest the various amendments which have been made to the bill which is now before the Senate, and I have seen so many different items come in here that have never appeared before the Committee on Indian Affairs and have never been discussed by that committee that it seems to me to be a strange proceeding. I am fresh here in the Senate, I confess, and I do not understand why this should be done.

Mr. CLAPP. It is the privilege of any Senator when a bill comes in here to offer an amendment to that bill. Of course, if it is objectionable, that is another question; but that is the universal practice. Any Senator may offer an amendment, and the fact that it had not passed the committee having the bill in charge would not in itself be a reason for rejecting the amendment. Many of the amendments that have been offered to-day are merely to perfect the administrative features of the bill upon the recommendation of the department itself.

Mr. PAGE. Mr. President, I am willing to take the recommendation of the department and the recommendation of the chairman of the Committee on Indian Affairs, but where a matter of as much importance as this seems to be comes before us and has never been considered in committee and has never been referred to the department, it appears to me that we are acting upon insufficient knowledge here and that we ought not to pass it in that way.

Mr. CLAPP. If the Senator will consider it for a moment he will see that this commission is to consist, first, of an existing appointee of the Department of the Interior; secondly, of another person to be appointed by the department; and thirdly, of a member of the Indian tribe. By no possibility could that commission overrule the purpose of the Department of the Interior so far as that purpose was reflected, first by its own employees, and second by its selection. You could not imagine a more absolute safeguard, it seems to me, than that.

Mr. PAGE. We find here a direct law as to what the commissioner appointed shall receive per diem, $10 per day; and we have an allowance of $5 per day for an interpreter. Whether that is a right or a wrong amount I do not know. It seems to me that those matters ought to be considered, and considered carefully, unless the demand for immediate action is more pressing than appears to me at this time to be the case.

Mr. CLAPP. I think that the amendment provides that that charge shall be paid out of the Indian money, and certainly the question whether a commissioner shall receive $10 or $8 a day would be largely a matter of opinion. It strikes me that it is hardly necessary to delay it. I think it provides that it shall be paid out of the Indian money.

Mr. PAGE. I do not know that I have any objection to make to the amendment. It is to the general plan of legislation without knowledge that I object. I do not like to be present at every meeting of our Committee on Indian Affairs, being willing at all times to consider any matter that comes up, and then have so much legislation attached to this appropriation bill which I know absolutely nothing about. I want to have the privilege of considering it; I want to have some knowledge from the department, to know what I am acting upon in a bill that comes from a committee of which I am a member. On this particular matter I have no feeling and I have no knowledge.

The amendment was passed.

Mr. O'BRIEN. I will state by way of explanation, Mr. Chairman, that this amendment afterwards died in conference. I can not say

that it was killed, because I am not fuly informed about it, but it died there, anyway.

Mr. GEORGE. Did you look at any of the conference records?

Mr. O'BRIEN. No; I have not; but I presume that we can get these when we get back to Washington.

Mr. BURCH. I do not wish to make an argument upon what I feel is one of the principal features of this bill, offered as an amendment to the appropriation bill. It is the same matter, however, that was brought to my attention, which Mr. Beaulieu has already remarked about, or testified about—I have forgotten which—namely, as to a conference with me. We have to-day 1,200 suits, or thereabouts, in equity in the circuit court of the United States for this State, which is the district court now, since the 1st of January, which raised pointedly the one question: What is the blood status of each one of these Indians whose allotments are involved? I call the attention of the committee to the fact that that very question, first propounded to me by Mr. Beaulieu and by Attorney Henderson two or three years ago, of having a commission to decide that blood status, is the same question that we are litigating in these suits, Was an Indian a full blood or mixed blood? That is our question. This, therefore, proposed a commission at $10 a day for each of its members, or $15,000, from the Chippewa fund, to determine the same thing which the courts are being asked to determine. If that commission should determine that an Indian is of a certain status of blood, and the report of that commission should be made binding upon the Government, our suit is out of further consideration—that ends our suit. The courts can not inquire further, because the commission has determined that question. This has been done by legislation in Oklahoma, as I understand; that is, the report of the commission is made conclusive as to the blood status of the Indian.

If this bill should become a law and the report of the commission should be made conclusive, the courts are concluded from considering the suits to determine the same matter. It was that reason that led me at that time, when he says I agreed to the proposition and when I say I opposed it, to say: "We are litigating this. It is in the courts. It seems to me the court should determine that question—where attorneys can appear on both sides, where evidence can be taken, and when the court, and not the jury (it being an equity case), shall decide whether that person was a full blood or a mixed blood." I only challenge the attention of the committee to that feature of the case, not to make any argument about it. Whatever is the will of Congress, to that, of course, all people are bound to submit.

Mr. GRAHAM. I don't ask you to express any opinion on it, but it seems a pertinent question whether the status of an individual is a matter of judicial construction or of legislation. That is, whether a person having any Caucasian blood, on an Indian-blood basis, could be other than a mixed blood. It is entirely competent for Congress to legislate and to define, for the purpose of administration, what degree of blood shall constitute a full blood or any particular technical standing. And Congress might say that any Indian having one-fourth Indian blood in him shall be considered, for the purpose of a certain act, as a full blood and under legal disability. But to me it really looks more like a question for legislation than one for

judicial construction. But the effect of this act, if it had become law, would be to deprive the courts of jurisdiction of all the suits then pending, I take it.

Mr. BURCH. Yes; everyone, so far as I know.

Mr. BEAULIEU. Before there were any suits commenced, I think, we had that first bill introduced, that I just referred to a little while ago and which Mr. Burch says we discussed with Mr. Henderson, and at that time I think no suits at all had been commenced, and if the bill had passed at that time all this discussion would not have been necessary. In fact, it would have assisted them to get at the facts.

Mr. GRAHAM. Well, it looks as though there would have been some legislation on that subject. It is always competent for the legislature—for a legislative body—to make definitions, to give to the words in any act a meaning entirely different from their usually understood meaning, and Congress could say that, for the purpose of this act, two and two shall make five, and I think it would stand; and so, in the administration of Indian affairs, it would be entirely competent for the Congress to make a definition of what shall constitute a full blood and what shall constitute a mixed blood, however arbitrary that definition might be, and it does look as though there ought to be such definition.

Mr. BURCH. And after that is determined and defined by Congress, they have, like a court or commission, the determination of the question of fact as to whether the particular party was within the purview of that definition or not, and that is the real point—whether any man who has a trace of Indian blood is a mixed blood—and we shall be bound, as all people must, by the will of Congress, without any prejudice in the matter. It is to determine who shall determine the question of fact after Congress has passed the legislation, if any; whether it shall be a commission constituted in this way or whether it shall be the courts. If Congress says it shall be the commission, we are willing to retire.

Mr. GRAHAM. Congress has no power to construe its own language after it has passed an act. Congress can not determine what that act means; it is for the courts to construe it. And if the Congress did not like the construction the courts gave it, all it could do would be to change it; Congress can not construe it.

Mr. BURCH. And then after the courts have construed what Congress meant there still remains the determination of the question of fact.

Mr. GRAHAM. Oh, yes.

Mr. BURCH. By either court or commission.

Mr. GRAHAM. It must be done by court or commission. You are entirely right.

Mr. BEAULIEU. I would like to call the attention of the committee to the statement which Mr. Burch has just made. He puts some emphasis on the cost that would have followed in the case of the passage of this bill to the Chippewas of Minnesota. I believe he could safely say that it has cost the Chippewas of Minnesota more than $15,000 already, and I am sure it has cost the United States over seventy-five thousand, making a hundred thousand dollars for the work that this court has been doing.

Mr. GRAHAM. You mean in these litigations?

Mr. BEAULIEU. Yes; in these litigations, up to this time.

Mr. BURCH. I think that is correct, as a general statement. I think we will demonstrate before we get through, and, in fact, I have already done so. At an earlier meeting of this committee I think I showed that, to the best of my information, only $2,000 in one instance has ever been taken out of the Chippewa fund for the reenforcement of the work of this commission, and that all that the Indian Department put into this work was issued from general funds, that do not come out of the Indians at all, but out of a general appropriation of Congress. I have no doubt that the commission will gladly respond to the committee's request in that direction.

Mr. GRAHAM. I think I speak for my colleague as well as for myself when I say that the committee thinks it much better to have a thing done right than to have it done cheaply.

Mr. BEAULIEU. I only mentioned the cost because he referred to it; he has said it was $15,000, and he emphasized the $15,000.

Mr. GRAHAM. It is all right to call attention to it; all these things can go along together.

Mr. O'BRIEN. I have here a bill, H. R. 14056, Sixty-second Congress, second session, introduced December 4, 1911, by Mr. Steenerson, and referred to the Committee on Indian Affairs, entitled "A bill to provide for the allotment and distribution of tribal funds to adult mixed-blood Indians of the White Earth Reservation in Minnesota."

Photographic copy of the bill, marked "Burch's Exhibit 54," as follows:

BURCH'S EXHIBIT 54.

[H. R. 14056. Sixty-second Congress, second session.]

A BILL To provide for the allotment and distribution of tribal funds to adult mixed-blood Indians of the White Earth Reservation in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed, upon application of any adult mixed-blood Indian of the White Earth Reservation in the State of Minnesota who is a citizen of the United States, and to whom allotment of land in severalty on said reservation has been made, to cause to be apportioned and allotted his or her pro rata share of any and all tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which such Indian is a member; and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, subject to the order of such Indian.

Mr. GEORGE. Was this after or before Mr. Steenerson was reputed to have become a member of the tribe?

Mr. O'BRIEN. A long time afterwards. Inasmuch as Mr. Steenerson apparently did not receive an allotment, I don't know who can get his share of the tribal fund according to that bill; and another question to be determined would be as to whether Mr. Steenerson were a mixed blood or a full blood. I will state at this time that our theory of the last bill I have read is, as Judge Burch has so clearly pointed out—the one question to be determined in the 1,200 suits now pending is: Was the particular allottee who sold his land a full blood or a mixed blood? Our contention is that this offers, as an incentive to an Indian allottee, to swear that he is a mixed blood, in order that

he may receive his share of the tribal funds at the present time in one lump sum.

Mr. GRAHAM. As you see it, then, it might have been entitled "A bill to promote perjury"?

Mr. O'BRIEN. That is one way of expressing it, although I wish the record to show that we have not used that expression.

Mr. BEAULIEU. I think you will find the mixed bloods on the White Earth Reservation divided as to that proposition. I know I am opposed to it.

Mr. O'BRIEN. I wish to read from the Congressional Record, volume 40, pages 5740–5741, as follows:

The next amendment was, on page 66, after line 6, to insert:

"That the Secretary of the Interior is hereby authorized and directed to pay to D. C. Lightbourn, of Ada, Minn., the sum of $1,244.45; and to George D. Hamilton, of Detroit, Minn., the sum of $830, out of any moneys standing to the credit of the Chippewa Indians of Mississippi, in payment for bills incurred in advertising; and the said sums are hereby appropriated for said purpose."

Mr. LODGE. I wish to know something about this claim. It is not a very large one it is true, but on what is it based? I have looked in the report of the committee. Perhaps the Senator can refer me to the place in the report where it is explained. I can not find it mentioned in the index.

Mr. CLAPP. All these Minnesota matters would be under the heading of "Minnesota" in the index. There may be some of the items indexed separately. This came in very late and it may not be in the report.

I will state the circumstances. These men advertised these lands for sale under the direction of the agent there, but there is no authority to pay them out of any fund. Sooner or later, I presume, we shall have to enact some legislation to distribute the funds of those Indians and apply those portions which have been expended for these particular purposes against these particular Indians. But these people have rendered this work; they can not get their pay, and there is no reason why they should be made to undergo delay in getting the matter straightened out.

Mr. LODGE. Has the claim ever been investigated or approved by the Indian Office? Has the Senator anything to go on except the claim of the claimants?

Mr. CLAPP. I do not know that it has been approved any more than that the office said they could not pay it, because they had no authority to use these funds for that purpose. There is no question, as I understand it, about the amount of the two bills. They were bills for printing.

Mr. LODGE. This item is, I think, subject to a point of order. It has not been estimated for by the department.

Mr. CLAPP. But it comes out of the Indian funds.

Mr. LODGE. That covers only the cases of claims.

Mr. CLAPP. This will be a claim.

Mr. LODGE. This is an appropriation. I understand the ruling of the Senator from Maine to apply to the case of a private claim and not the case of an estimate.

The VICE PRESIDENT. The Chair is of opinion that the point made by the Senator from Massachusetts is well taken.

Mr. LODGE. I will state the reason why I make the point of order.

Mr. CLAPP. Before the Chair makes a decision finally, I should like to look up the authority we had to use last year.

Mr. LODGE (reading): "The records of the Indian Office do not show any claim or correspondence on this subject, and the item does not specify any date when the claim was incurred. The office says it never has been referred to it 'For investigation or report.'"

The fact that it comes out of the Indian funds seems to me only additional reason to be careful about it. It is a very small amount, I know, but those funds are in the nature of a trust fund, and this has never been reported on by any authority.

Mr. CLAPP. Since the Senator has some information there from the department, I will state that I talked over this matter with the Commissioner of Indian Affairs. We went over it, and I suggested to him that the only thing we could do was to pay these claims and then some time pass some legislation

to distribute these funds. There was no point made by him and no suggestion on his part but that that was the proper thing to do. I certainly can not understand it if he has said anything adverse to that.

Mr. CARTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. CLAPP. Certainly.

Mr. CARTER. This seems to be a rather strange proceeding. Do I understand the chairman of the committee to say that the Commissioner of Indian Affairs did not supply certain facts to the committee, and later on sent them to other Senators to be presented on the floor?

Mr. CLAPP. No; the chairman does not say so. The chairman says that in the committee room the chairman called the attention of the Commissioner of Indian Affairs to these items of printing of Lightbourne and Hamilton, and suggested that as there was no authority for him to take it out of the fund, the law which provided for printing the notices not having made ample provision in that respect, there was no reason why these men, who had done the work under the direction of the agent, should await the action of Congress until Congress made provision for distributing the fund, and that it seemed that the best plan was to pay them, and then when we got to a bill distributing the fund the matter could be corrected as between the individual Indians. Without dissenting at all, I do not recall that he said anything, and that it was a silent assent to the proposition. It certainly is surprising to me, in view of that conversation, if anything has been sent here adverse to the proposition.

Mr. LODGE. I merely made the point of order that it has not been estimated for.

Mr. CLAPP. I ask that it be passed over until I can get the case. I think I have the case we had last year that will dispose of the point of order.

Mr. LODGE. It was two years ago, and I think it applies only to private claims.

The VICE PRESIDENT. The amendment will be passed over.

Mr. GRAHAM. What money was involved in that colloquy?

Mr. O'BRIEN. Chippewa Indian funds, which were sought to be appropriated by Senator Clapp in payment to George D. Hamilton, of Detroit, Minn., and Mr. Lightbourne, of Ada, Minn., for advertising bills—according to Senator Lodge's statement—not showing any date nor any item explaining what they were for; one bill was for about $1,200, and the other for about $800.

Mr. BEAULIEU. As I understand it, the bills were incurred under the instructions of the Secretary of the Interior—at least, he prescribed the rules; and among the rules was one that they should advertise the inherited lands to be sold for 90 days.

Mr. BURCH. Mr. Beaulieu, do I understand that this $1,200 was for advertising by Lightbourne in his paper for 90 days?

Mr. BEAULIEU. No; it run along for a period of about two years.

Mr. GRAHAM. Will we have any evidence on that point?

Mr. O'BRIEN. Mr. Hamilton may be able to show it when we get to Detroit.

Mr. BEAULIEU. There is one thing I would like to call the committee's attention to, and that is that Mr. Linnen stated here in his report which he read that I had made affidavits for full bloods declaring them to be mixed bloods, and I would like to have him give me the names of those whom I testified were mixed bloods when they were really full bloods.

Mr. GEORGE. In the affidavits he read yesterday?

Mr. BEAULIEU. Yesterday he stated that I had made affidavits declaring that full bloods were mixed bloods; that was in his report that he read yesterday, and I would like to have the names.

Mr. GRAHAM. He read some affidavits in which you were involved; but do you say that the very point you raise now was not touched upon in those he read?

Mr. BEAULIEU. No, sir.

Mr. GRAHAM. Mr. Linnen, can you give Mr. Beaulieu the information he asks for? Mr. Beaulieu asks for the identification of certain persons concerning whom Mr. Linnen's report states that Mr. Beaulieu made affidavits to the effect that they were mixed bloods, when in fact they were full bloods. Mr. Beaulieu wants to know who those were, so that he may be prepared with testimony on that point.

Mr. LINNEN. As to the specific instances of the particular affidavits, I have not looked them up.

Mr. GRAHAM. Will it be satisfactory if he gives you the names, without going on the witness stand, or would you prefer to have it in the record?

Mr. BEAULIEU. I prefer to have him go on the stand, if you will recall him. I did not examine him in regard to these affidavits that he put in here yesterday, and I would like to ask him a few questions regarding them.

Mr. GRAHAM. It may take him a little while to look up the information you want; then you may ask him. Mr. Beaulieu, I have not heard whether your witness is here yet?

Mr. BEAULIEU. I do not know. He is not present, anyway.

Mr. GRAHAM. By the way, Judge Burch, I suppose we can, with reasonable certainty subpœna witnesses for Detroit on Monday next?

Mr. BURCH. Oh, yes; I think so.

Committee adjourned until 10 a. m. Friday, February 2.

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